



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: June 16, 2004

Time: 5:30 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

ADDENDUM

**Subsequent to the publication and posting of the agenda on Thursday, June 10, 2004,
the following item was submitted for Council consideration.**

C-2 Announcement of Closed Session

- f) Actual Litigation: Government Code §54956.9(a); one case; Sanchez v. City of Lodi et al.,
San Joaquin County Superior Court, Case No. CV 022301

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this Agenda was posted at least 72 hours in advance of the scheduled meeting at a place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: June 16, 2004

Time: Closed Session 6:00 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Richard Wheeler, Living Truth Christian Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

- a) United States Army Week

D-3 Presentations

- a) Presentation by the Lodi Area All Veterans Plaza Foundation of quarterly payment on loan from City of Lodi
- b) Presentation by the Greater Lodi Area Youth Commission regarding Honoring Teens Program (COM)
- c) Presentation regarding Celebration on Central (CM)

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$4,551,317.05 (FIN)
- E-2 Approve minutes (CLK)
a) May 5, 2004 (Regular Meeting)
b) June 1, 2004 (Shirtsleeve Session)
c) June 1, 2004 (Special Meeting)
d) June 4, 2004 (Special Meeting)
e) June 7, 2004 (Special Meeting)
- E-3 Authorize advertisement of request for proposals for Design/Build Services for Municipal Service Center Public Works Locker Room Expansion (PW)
- Res. E-4 Adopt resolution rejecting all bids, authorizing advertisement for bids for the Henning Substation Heavy Load Access and Driveway, 1345 West Kettleman Lane, and further authorizing the City Manager to award or reject the contract (up to \$22,000) (PW)
- Res. E-5 Adopt resolution authorizing the award of contract for rental and cleaning of uniforms for certain field and warehouse employees to Unifirst Corporation (\$20,000) (PW)
- E-6 Approve additional task orders for West Yost & Associates for White Slough Facility improvements and appropriate funds (\$258,000) (PW)
- E-7 Accept improvements under contract for Communication Conduit Installation (Carnegie Forum at 305 West Pine Street to 300 West Pine Street) (PW)
- Res. E-8 Adopt resolution accepting Harney Lane and Mills Avenue Street Frontage Improvements in Century Meadows Three, Unit No. 4, Tract No. 2769 (PW)
- Res. E-9 Adopt resolution amending City of Lodi Public Works Transit Policy and Procedure for use of transit services outside of regular operations (PW)
- Res. E-10 Approve the transfer of General Fund Capital Improvement funds to the Transit fund to correct deficit (PW)
- Res. E-11 Adopt resolution authorizing the City Manager to allocate Public Benefits Program funds to extend for one year the Lodi Solar Schoolhouse Program and authorizing the City Manager to execute a contract with The Rachus Institute to assist in administering elements of this program (\$55,000) (EUD)
- Res. E-12 Adopt resolution authorizing the City Manager to allocate Public Benefits Program funds for Lodi's first annual Electronic Waste Clean-Up Day and authorizing the City Manager to execute a contract with Teris LLC/MSE Environmental to provide disposal and recycling services for this program (\$25,000) (EUD)
- Res. E-13 Adopt resolution authorizing renewal of IBM Operating System Software for AS400 from Logical Design, Inc., of Rancho Cordova, CA (\$29,200.25) (ISD)
- E-14 Set public hearing for July 21, 2004, to consider adoption of the amended Impact Mitigation Fee for Streets and Roads and amended Exhibits I and J of the Development Impact Fee Update Study, October 2001 (PW)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings – None

H. Communications

H-1 Claims filed against the City of Lodi

- a) Lehman Brothers by Helen Duncan, Esq., date of loss 2000-04
- b) James L. Byard, Ph.D., date of loss November 2003

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 Appointments

- a) Appointments to the Lodi Arts Commission, Library Board of Trustees, and Planning Commission (CLK)

H-4 Miscellaneous

- a) Monthly Protocol Account Report (CLK)

I. Regular Calendar

I-1 Presentation of the San Joaquin County Housing Authority's Annual Report

Res. I-2 Adopt resolution approving regulations pertaining to the candidates' statements for the November 2, 2004, General Municipal Election (CA)

Res. I-3 Adopt resolution authorizing the continuation of expenditures from July 1 to 31, 2004, or until adoption of the 2004-05 Financial Plan and Budget (FIN)

I-4 Receive the Impact Mitigation Fee Program Annual Report for fiscal year 2002-03 (PW)

J. Ordinances

Ord. J-1 Ordinance No. 1748 entitled, "An Ordinance of the City Council of the City of Lodi Amending (Adopt) Lodi Municipal Code Chapter 12.12 – Parks – by Adding Article IV, 'Skate Parks,' Relating to Skate Park Regulations"

Ord. J-2 Ordinance No. 1749 entitled, "An Ordinance of the City Council of the City of Lodi Amending (Adopt) Title 10, Chapter 10.44, 'Stopping, Standing, and Parking,' by Adding Section 10.44.170 Related to Disabled Parking Regulations"

K. Comments by the City Council Members on non-agenda items

L. Comments by the City Manager on non-agenda items

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: United States Army Week

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hansen present a proclamation proclaiming the week of June 14 – 18, 2004, as “United States Army Week” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the week of June 14 – 18, 2004, as “United States Army Week” in the City of Lodi. Sergeant Daffin with the United States Army, Lodi Station, will be at the meeting to accept the proclamation.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by the Lodi Area All Veterans Plaza Foundation of Quarterly Payment on Loan from City of Lodi

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required.

BACKGROUND INFORMATION: Merle Warner, representing the Lodi Area All Veterans Plaza Foundation, will be at the meeting to present a check to the City toward the quarterly payment on loan from the City of Lodi.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by the Greater Lodi Area Youth Commission regarding Teen of the Month Program

MEETING DATE: June 16, 2004

PREPARED BY: Mike Areida, Greater Lodi Area Youth Commission Coordinator

RECOMMENDED ACTION: Presentation.

BACKGROUND INFORMATION: The Greater Lodi Area Youth Commission, in conjunction with Central Valley Waste Services, Inc., is sponsoring a program entitled Teen of the Month. The Lodi Youth Commission selects one teen to be awarded this honor from the applications submitted to the Commission from the general public, various schools, and church groups. The Teen of the Month for June is **Katelin Grant** from Lodi High School.

FUNDING: None requested.

A handwritten signature in dark ink, appearing to read "Mike Areida", is positioned above the printed name.

Mike Areida
Greater Lodi Area Youth Commission Liaison

Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

**The Greater Lodi Area Youth Commission
Teen of the Month June 2004
Katelin Grant**

The Greater Lodi Area Youth Commission would like to honor Katelin Grant as June's Teen of the Month. Katelin graduated from Lodi High School in May of this year with a 4.35 grade point average. While in high school, Katelin participated in Venture Crew 295, Track and Field, CSF, and the Mayor's Community Greenbelt Task Force. In her spare time, she volunteered for the Lodi Library Computer Lab and the GVCC youth group. After graduation, Katelin plans to attend West Point in New York and major in earth science/geography.

Katelin currently lives with her parents, Joe and Kathy Grant, and has three brothers James (13), Andrew (16), and Yuba (19).





CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation Regarding Celebration on Central

MEETING DATE: June 16, 2004

PREPARED BY: Janet L. Hamilton, Management Analyst

RECOMMENDED ACTION: Presentation only.

BACKGROUND INFORMATION: The fifth annual Celebration on Central, a collaboration between the Community Partnership for Families of San Joaquin and the City of Lodi, was held Sunday, May 16, 2004. The event, a health and safety fair for families living in Lodi's east side, was held at a new location, using the Joe Serna Jr. Charter School grounds. Food donated by the Greater Stockton Emergency Food Bank, the Salvation Army, and the Lodi Community Service Center, was prepared by volunteers from First Baptist Church, the Lodi Mexican American Lions Club, and a handful of tireless recruits. Almost 50 agencies and organizations participated in the event offering services such as health screenings, medicine, animal care, and children's activities as well as information.

Such an event could not take place without the support of a dedicated group of volunteers and the generosity of our sponsors and donors. We would like to recognize and thank this group for their efforts. Major donors include Kaiser Permanente, First 5 of San Joaquin, the Lodi Arts Commission, F&M Bank, General Mills, Lodi Electric Utility, Health Plan of San Joaquin, Lodi Adopt-a-Child, Central Valley Waste Management, Wyeth Consumer Health Care, Dart Container, and the Lodi Community Service Center. Volunteers, without which this event could not take place, include Salvation Army staff and residents, Boy Scout Troup 291, cooks from First Baptist Church, the Lodi Mexican American Lions Club, and Mr. Cole, Monica Larkin, Jason Meyers, and especially, George Bradley and Gerald King.

FUNDING: No City funds required.

Janet L. Hamilton
Management Analyst

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated June 1, 2004 in the Amount of \$4,551,317.05

MEETING DATE: June 16, 2004

PREPARED BY: Finance Technician

RECOMMENDED ACTION: That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures are shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$4,551,317.05 dated June 1, 2004, which includes PCE/TCE payments of \$2,004.98.

FUNDING: As per attached report.

James R. Krueger, Finance Director

JK/kb

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

Accounts Payable
Council Report

Page 1
Date - 06/01/04
Amount

As of Thursday	Fund	Name	Amount
05/20/04	00100	General Fund	603,144.50
	00103	Repair & Demolition Fund	335.00
	00123	Info Systems Replacement Fund	520.43
	00160	Electric Utility Fund	214,287.13
	00161	Utility Outlay Reserve Fund	65,627.17
	00164	Public Benefits Fund	15.00-
	00170	Waste Water Utility Fund	13,508.14
	00171	Waste Wtr Util-Capital Outlay	635.67
	00172	Waste Water Capital Reserve	62,392.20
	00180	Water Utility Fund	4,004.61
	00181	Water Utility-Capital Outlay	997.96
	00182	IMF Water Facilities	130.00
	00210	Library Fund	9,133.88
	00234	Local Law Enforce Block Grant	1,330.71
	00270	Employee Benefits	294,063.21
	00320	Street Fund	5,012.46
	00325	Measure K Funds	11,702.76
	00326	IMF Storm Facilities	965.52
	01211	Capital Outlay/General Fund	766.10
	01217	IMF Parks & Rec Facilities	1,269.48
	01250	Dial-a-Ride/Transportation	5,302.65
	01410	Expendable Trust	8,870.91
Sum			1,303,985.49
	00183	Water PCE-TCE	2,004.98
Sum			2,004.98
Total for Week			
Sum			1,305,990.47

Accounts Payable
Council Report

Page
Date
Amount

- 1
- 06/01/04

As of Thursday	Fund	Name	
05/27/04	00100	General Fund	327,865.93
	00103	Repair & Demolition Fund	5,410.09
	00123	Info Systems Replacement Fund	5,729.42
	00160	Electric Utility Fund	2,333,419.53
	00161	Utility Outlay Reserve Fund	6,563.62
	00164	Public Benefits Fund	10,313.95
	00170	Waste Water Utility Fund	2,454.12
	00171	Waste Wtr Util-Capital Outlay	82.37
	00172	Waste Water Capital Reserve	16,106.93
	00180	Water Utility Fund	1,042.34
	00181	Water Utility-Capital Outlay	816.15
	00210	Library Fund	5,116.40
	00211	Library Capital Account	811.96
	00235	LPD-Public Safety Prog AB 1913	1,034.62
	00270	Employee Benefits	11,558.16
	00300	General Liabilities	4,267.14
	00310	Worker's Comp Insurance	71,987.50
	00332	IMF(Regional) Streets	1,603.96
	00504	Landscape & Lighting Dist Z-3	3,358.74
	00505	Landscape & Lighting Dist Z-4	3,358.74
	01211	Capital Outlay/General Fund	4,460.00
	01212	Parks & Rec Capital	9,273.16
	01250	Dial-a-Ride/Transportation	407,915.34
	01410	Expendable Trust	10,776.41

Sum			3,245,326.58

Total for Week			
Sum			3,245,326.58

Council Report for Payroll

Page -

1

Date -

06/01/04

Payroll	Pay Per Date	Co	Name	Gross Pay
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-				
Regular	05/23/04	00100	General Fund	862,495.67
		00160	Electric Utility Fund	161,276.84
		00161	Utility Outlay Reserve Fund	2,483.52
		00164	Public Benefits Fund	4,878.40
		00170	Waste Water Utility Fund	61,100.45
		00172	Waste Water Capital Reserve	2,659.74
		00180	Water Utility Fund	8,628.40
		00210	Library Fund	32,729.41
		00235	LPD-Public Safety Prog AB 1913	1,288.58
		01250	Dial-a-Ride/Transportation	2,814.86

Pay Period Total:				
Sum				1,140,355.87
Retiree	06/30/04	00100	General Fund	29,626.44
		00210	Library Fund	490.38

Pay Period Total:				
Sum				30,116.82



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) May 5, 2004 (Regular Meeting)
b) June 1, 2004 (Shirtsleeve Session)
c) June 1, 2004 (Special Meeting)
d) June 4, 2004 (Special Meeting)
e) June 7, 2004 (Special Meeting)

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:

- a) May 5, 2004 (Regular Meeting)
- b) June 1, 2004 (Shirtsleeve Session)
- c) June 1, 2004 (Special Meeting)
- d) June 4, 2004 (Special Meeting)
- e) June 7, 2004 (Special Meeting)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibits A through E.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 5, 2004**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of May 5, 2004, was called to order by Mayor Hansen at 5:22 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

- a) Actual litigation: Government Code §54956.9(a); one case; Sanchez v. City of Lodi, et al., San Joaquin County Superior Court, Case No. CV 022301 (HR)
- b) Conference with Human Resources Director, Joanne Narloch, regarding Fire Mid-Management (unrepresented) pursuant to Government Code §54956.6
- c) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- d) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- e) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- f) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- g) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

C-3 ADJOURN TO CLOSED SESSION

At 5:22 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:05 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:09 p.m., Mayor Hansen reconvened the City Council meeting and Interim City Attorney Schwabauer disclosed the following actions:

In regard to Item C-2 (a), Council voted 3-1 (with Council Member Hitchcock dissenting, and Mayor Hansen abstaining from discussion and voting due to a potential conflict of interest) to commence mediation.

In regard to Item C-2 (b), Council voted 5-0 on entry of benefits package.

In regard to Items C-2 (c) through (g), no reportable action was taken in closed session.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of May 5, 2004, was called to order by Mayor Hansen at 7:09 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Steve Newman, First Baptist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Lodi Police Color Guard.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hansen presented a proclamation to Brad Jones, Veteran Representative with the Employment Development Department, proclaiming the month of May 2004 as “Veteran Appreciation Month” in the City of Lodi.

D-2 (b) Mayor Hansen presented a proclamation to event coordinator, Jan Alexander, proclaiming Saturday, May 22, 2004, as “Lodi Family Health and Safety Fair” day in the City of Lodi.

D-2 (c) Mayor Hansen presented a proclamation to Del Kerlin, Assistant Wastewater Treatment Superintendent, proclaiming the week of May 16 to 22, 2004, as “National Public Works Week” in the City of Lodi. Mr. Kerlin pointed out that Public Works is an important part of public safety for the community and gave the following examples. Employees at White Slough maintain public safety by ensuring the wastewater from the City does not harm the environment and those who use the Delta. The Water Division maintains public safety through providing safe drinking water and ensuring the Fire Department has water to do its job. The Street Division provides safe roadways for citizens' use, as well as for the Police and Fire Departments. The Vehicle Maintenance Division makes sure that everyone in Public Works, Transit, and Police have well-maintained vehicles. Employees in Engineering, Inspection, and Administration help all others in Public Works do their jobs.

D-2 (d) Mayor Hansen presented a proclamation to Police Chief Jerry Adams proclaiming the month of May 2004 as “Peace Officer Memorial Month” in the City of Lodi.

D-3 (a) Janet Hamilton, Management Analyst II, gave a presentation to the City Council regarding the fifth annual Celebration on Central, a collaboration between the Community Partnership for Families of San Joaquin and the City of Lodi, which will be held Sunday, May 16, noon to 3 p.m. The health and safety fair event targets families on Lodi's east side and attracts an estimated 5,000 people. Food, donated by the Greater Stockton Area Food Bank and the Salvation Army and prepared by the Mexican-American Lions Club and First Baptist Church, will be free to all guests. Children's activities, health screenings, consumer information, and entertainment comprise the event.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Beckman, Howard second, unanimously approved the following items hereinafter set forth:

E-1 Claims were approved in the amount of \$2,544,593.25.

E-2 The minutes of March 17, 2004 (Special Meeting), March 17, 2004 (Regular Meeting), April 7, 2004 (Regular Meeting), and April 19, 2004 (Special Joint meeting with the Lodi Arts Commission) were approved as written.

E-3 Adopted Resolution No. 2004-80 authorizing the purchase of a replacement photocopier from Lucas Business Systems, of Stockton, using a California Multiple Awards Schedule contract, in the amount of \$7,298.99.

- E-4 Adopted Resolution No. 2004-81 awarding the purchase of 65 galvanized steel streetlight poles to the low bidder, Wille Electric Supply Company, of Stockton, in the amount of \$41,137.93.
- E-5 Adopted Resolution No. 2004-82 awarding the purchase of polemount and padmount transformers to the bidder whose proposal and equipment meets City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs, Western States Electric, of Portland, OR, in the amount of \$75,819.37.
- E-6 Adopted Resolution No. 2004-83 awarding the purchase of 34 wood utility poles to the low bidder, McFarland-Cascade, of Tacoma, Washington, in the amount of \$12,382.63.
- E-7 Adopted Resolution No. 2004-84 authorizing the donation of 46 ballistic vests to San Joaquin Delta College Peace Officer Standards and Training Academy.
- E-8 Adopted Resolution No. 2004-85 approving the improvement agreement for the public improvements of 2111 West Kettleman Lane (APN 027-410-21) and directed the City Manager and City Clerk to execute the improvement agreement on behalf of the City.
- E-9 Adopted Resolution No. 2004-86 authorizing the City Manager to execute a professional services agreement with Padilla & Associates, Inc., for Disadvantaged Business Enterprise Program consulting services in the amount of \$6,300.
- E-10 Adopted Resolution No. 2004-87 approving the Memorandum of Understanding between City of Lodi and Lodi Professional Firefighters.
- E-11 Adopted Resolution No. 2004-88 approving destruction of certain Finance Department records.
- E-12 Authorized transportation service to Micke Grove Park for the Head Start Program on May 12, 2004, upon approval from the San Joaquin Regional Transit District.
- E-13 Introduced Ordinance No. 1747 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – by Repealing and Reenacting Chapter 13.14, 'Stormwater Management and Discharge Control,' Relating to Stormwater."

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Patrick Backman spoke on behalf of Congressman Pombo, State Senator Poochigian, Assemblyman Nakanishi, and Supervisor Sieglock to challenge the Lodi City Council and Department Heads to a softball game on Sunday, May 16 at Zupo Field. He invited the community to attend and noted that 100% of the proceeds would benefit the Lodi Boys and Girls Club. Council accepted the challenge.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider resolution adopting engineer's report, confirming assessments, overruling protests and declaring assessment ballot results, and annexing territory to a maintenance assessment district and forming Zone 3 and Zone 4 (Millsbridge II Zone 3 and Almond North Zone 4 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1).

Wally Sandelin, City Engineer, reported that Zones 3 and 4 of the Consolidated Landscape Maintenance Assessment District would add an additional 70 lots to the program. It will help the City recoup costs for public parkway maintenance. He noted that neither of these projects have a reverse frontage wall.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

City Clerk Blackston reported that she personally received ballots for Millsbridge II Zone 3 cast in the special assessment mailed ballot procedure as called by the City Council in its Resolution 2004-49 adopted March 17, 2004, and in accordance with instructions contained in the resolution, she declared the balloting closed and certified the results of the tabulation to be as follows:

Total assessment ballots cast YES	\$12,274
Total assessment ballots cast NO	Zero

The assessment ballots cast "yes" equaled 100% of the total assessment ballots cast.

Ms. Blackston reported that she received the assessment ballot for Almond North Zone 4 and in accordance with the instructions contained in Resolution 2004-49 declared the balloting closed and certified the results of the tabulation to be as follows:

Total assessment ballots cast YES	\$11,228
Total assessment ballots cast NO	Zero

The assessment ballot cast "yes" equaled 100% of the total assessment ballots cast.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Beckman, Hansen second, unanimously adopted Resolution No. 2004-89 entitled, "A Resolution of the Lodi City Council Adopting Engineer's Report, Confirming the Assessments, Overruling Protests and Declaring Assessment Ballot Results and Annexing Two Territories to a Maintenance Assessment District and Forming Zone 3 and Zone 4 – Millsbridge II Zone 3 and Almond North Zone 4 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 (Landscaping And Lighting Act Of 1972)."

H. COMMUNICATIONS

H-1 On recommendation of the City's contract administrator and Human Resources staff, the City Council, on motion of Council Member Hitchcock, Beckman second, unanimously rejected the following claims:

- a) Farr Associates, date of loss 09/03 to current
- b) Envision Law Group, LLP, date of loss unstated

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Howard, Beckman second, unanimously directed the City Clerk to post for the following expiring terms and vacancies:

Greater Lodi Area Youth Commission

Adult Advisors:

MaryAnn Porterfield	Term to expire August 30, 2004
Samir Berbawy	Term to expire August 30, 2006

Student Members:

Mary Goad	Term to expire August 30, 2004
Courtney Cook	Term to expire August 30, 2004
Katie Wagenman	Term to expire August 30, 2004
Ricky Gill	Term to expire August 30, 2004
Gabi del Castillo	Term to expire August 30, 2004
Karlyn Nieland	Term to expire August 30, 2005
Joe Nardinelli	Term to expire August 30, 2005

H-4 Miscellaneous – None

I. REGULAR CALENDAR

- I-1 “Adopt resolution authorizing the City Manager to execute electric utility rate contracts for three commercial/industrial customers—Kubota Tractor Corporation, Larry Methvin Installation, and Lodi Memorial Hospital”

Rob Lechner, Manager of Electric Utility Customer Service and Programs, reported that the proposed Lodi Memorial Hospital contract would be for a three-year period commencing June 1, 2004, and it incorporates a rate increase of 12.9% over the current rate for the hospital's five utility meters. Kubota Tractor Corporation plans to be operating in a new 160,000 square foot assembly plant and warehouse facility by January 1, 2005, which will be the start date of the proposed utility rate contract. The contract will be for a three year period and provides a discount of 25% off of the published G-2 rate. Larry Methvin Installation (AKA LMI Glass) is currently renovating a plant that was occupied by Glassworks until mid-December 2003. The proposed contract is for two years commencing June 1, 2004, and it incorporates a 15% discount off the published G-4 rate. LMI intends to construct a new facility in Lodi in the future. Mr. Lechner stated that these contracts will recover all costs associated with supplying these three customers with their energy requirements.

In answer to Council Member Hitchcock, Electric Utility Director Vallow stated that the different discount rates are appropriate because G-4 represents a higher load factor than G-2. He confirmed that the recommended contracts included 100% non-subsidized rates.

In reply to Council Member Land, Mr. Lechner reported that Kubota Tractor would have 65 full-time employees in its warehouse assembly facility. LMI would have 40 to 60 employees in its current facility and anticipates having over 100 employees once its new facility is constructed.

Mayor Pro Tempore Beckman noted that he was sensitive to having tiered rate programs; however, it is acceptable if, as in this case, it is tied to the type of usage.

Mr. Vallow explained that Kubota Tractor had been looking at development costs in different areas and Electric Utility “backed into” their rate to make Lodi the cheapest development cost.

Community Development Director Bartlam reported that Kubota Tractor would be submitting plans for its new building this week. LMI had purchased a business that had closed, and the acquisition has saved jobs.

MOTION/ VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously adopted Resolution No. 2004-90 authorizing the City Manager to execute electric utility rate contracts for three commercial/industrial customers—Kubota Tractor Corporation, Larry Methvin Installation, and Lodi Memorial Hospital.

- I-2 “Approve plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the Streetlight Completion Project and authorize the transfer of funds for the project (\$980,000)”

John Simler, Electrical Estimator, reported that Phase IV of the Streetlight Completion Project includes the installation of 292 streetlights in various areas throughout the City. There are 109 steel standards projected for the project, with 60 being installed on the east side, and 158 concrete standards, with 89 being installed on the east side.

Council Member Hitchcock recalled that the funding source for this project had previously been Electric Utility operating revenue and questioned why Certificates of Participation (COP) are now listed. It was her understanding that the COPs were for transmission lines and construction of the new Electric Utility building. Ms. Hitchcock stated that she would not have been in favor of borrowing money for the Streetlight Completion Project.

Electric Utility Director Vallow was unaware of any Electric Utility capital expense since 1999 that was not reimbursed through COPs. The bond documents were written in such a way that virtually any electrical expense (with the approval of Council) that did not render the bonds taxable, were a legitimate expense.

City Manager Flynn stated that Ruby Paiste, Accounting Manager, confirmed that all the street lighting for this project has been funded through the COPs.

Mayor Hansen asked Mr. Vallow to research the funding history on the Streetlight Completion Project and report back to Council at the next regularly scheduled meeting.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Beckman second, unanimously continued the above matter to the regular City Council meeting of May 19.
(NOTE: This matter was heard at a Special Meeting on May 11, 2004.)

- I-3 “Adopt resolution approving traffic safety improvements for Stockton Street from 300 feet south of Almond Drive to Kettleman Lane and appropriate funds (\$8,000)”

Public Works Director Prima explained that the project will include installation of a two-way left-turn lane on Stockton Street from Kettleman Lane south to Almond Drive. A crosswalk will be installed at Maxwell Street.

Council Member Hitchcock felt that this matter was tied to the street closure project by Cottage Bakery and therefore citizens should not have to pay for traffic safety improvements that are required as a result of this project.

Mayor Pro Tempore Beckman believed that the needed traffic safety improvements were primarily due to new residential development in the area.

Mr. Prima explained that the two-way left-turn lane on Stockton Street had been planned prior to the Cottage Bakery project. It was originally planned as part of a street maintenance capital project anticipated to be done in two years. Cottage Bakery has been requested to pay for the cost of re-striping the portion of the street that will eventually become its driveway.

Council Member Howard noted that during previous meetings on this topic owners of property in the area commented on preexisting traffic conditions, which warranted these improvements. For this reason she felt that the recommended funding source was appropriate.

MOTION / VOTE:

The City Council, on motion of Council Member Howard, Beckman second, adopted Resolution No. 2004-91 approving the traffic safety improvements for Stockton Street from 300 feet south of Almond Drive to Kettleman Lane and appropriate funds in the amount of \$8,000. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – Hitchcock

Absent: Council Members – None

- I-4 “Adopt resolution approving City participation in the Ham Lane fence construction (Cardinal Street to 1,100 feet south of Cardinal Street) and appropriating funds (\$1,000)”

Public Works Director Prima reported that some property owners along the east side of Ham Lane adjacent to Kofu Park have reverse frontage fences. A 1997 letter from former Public Works Director Ronsko indicated that the City could participate in some element of replacing the wood fences with a block wall. Two property owners have expressed an interest in taking advantage of that offer. The cost of the City’s participation would be \$1,000.

Community Development Director Bartlam recalled that he participated in meetings with property owners in 1997. The City’s desire was to have consistency in the ultimate look along Ham Lane. The City will pay for the demolition cost, waive the building plan-check fee, and make up the cost difference between a smooth face standard masonry unit and a more decorative split-face unit.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Beckman second, unanimously adopted Resolution No. 2004-92 approving City participation in the Ham Lane fence construction (Cardinal Street to 1,100 feet south of Cardinal Street) and appropriating funds in the amount of \$1,000.

- I-5 “Adopt resolution approving specifications and authorizing advertisement for bids for compressed natural gas street sweeper for the Street Division and authorizing the City Manager to accept or reject bids, award the contract, and appropriate funds (\$200,000)”

Public Works Director Prima requested that Council approve the purchase of a street sweeper and allow for the ability to do a “piggyback” purchase on another agency’s bid. He explained that the City and County of San Francisco recently purchased a Tymco street sweeper, which is what staff would like to purchase. If approved, the resolution would be amended to allow the City Manager to make the purchase if the proper grant terms could be met. Mr. Prima explained that, until recently, street sweeping was entirely within the street maintenance general fund activities. When the City moved into Phase 2 of the stormwater program, it increased the frequency of sweeping as one of its best management practices to reduce the amount of debris going into the storm drains, which then winds up in local waterways. Since that time, the cost of street sweeping has been split 50/50 between Wastewater and the General Fund. Three street sweepers are kept on hand with the oldest unit serving as a backup. If this purchase is approved, the City will get rid of the old broom-style sweeper that no longer meets current air regulations.

Mayor Pro Tempore Beckman asked whether it is common in other jurisdictions for stormwater related costs to be attributed to the wastewater account, which is an enterprise fund. He did not understand the connection between the two, since stormwater does not go to White Slough.

City Manager Flynn replied that staff would do a survey of other cities and report back to Council.

Council Member Land noted that Council received communication from Arthur Price who expressed opposition to this expenditure, as he felt the equipment was not effective.

Mr. Prima reported that Street Superintendent George Bradley spoke with Mr. Price about his concerns. Mr. Prima suggested that the equipment Mr. Price was referring to was the old broom-style sweeper that will be taken out of service.

Council Member Land asked when the Streets Division would be coming to Council with a recommendation for posting signs regarding vehicle removal, so that more thorough street sweeping can be done. He suggested that if it were done at 10:00 a.m., rather than 4:00 a.m., there would be fewer cars on the street.

Mr. Prima replied that he would check into the matter and report back to Council.

Mayor Hansen pointed out that the old sweeper was purchased for \$69,600, and over the past ten years \$297,000 has been spent on repairs. He asked whether there would be less repairs needed on a compressed natural gas sweeper. He suggested that if these repair costs continue to be necessary, it may not be worth having a backup unit. He recommended that a process be developed that triggers a reevaluation when the cost of repair reaches twice the cost of the unit.

Mr. Prima reviewed repair cost data on an overhead (filed) and replied that he would look into developing a policy as suggested by Mayor Hansen.

MOTION:

Mayor Pro Tempore Beckman made a motion, Hitchcock second, to adopt Resolution No. 2004-93 approving the specifications and authorizing advertisement for bids for compressed natural gas street sweeper for the Street Division, authorizing the City Manager to take advantage of bids provided to other public agencies for which their specifications meet Congestion Mitigation and Air Quality grant requirements, thereby dispensing with separate bidding as provided in Section 3.20.070 of the Lodi Municipal Code, and authorizing the City Manager to accept or reject bids, award the contract, and appropriate funds in the amount of \$200,000.

DISCUSSION:

Mayor Hansen requested that Council receive a report on the feasibility of instituting a policy triggering a reevaluation when extensive repair costs are made and whether a lease option would be a viable alternative.

VOTE:

The above motion carried by a unanimous vote.

- I-6 "Updates from Mayor Larry Hansen regarding the following issues: Barger & Wolen audit of Envision Law Group's billings; status of recruitment process for new City Attorney; and progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation"

Mayor Hansen reported that he and Interim City Attorney Schwabauer met with representatives of Barger & Wolen last week. The City's insurance company had a merger

occur that caused a delay in Barger & Wolen getting an answer regarding participation in the audit. Interviews for the position of city attorney will take place when dates are selected in which all five Council Members can be present. He suggested that there also be an interview panel comprised of professionals and citizens to provide input to Council. The interview process for selection of a legal firm to represent the City in the Environmental Abatement Program litigation will be completed in the near future.

MOTION / VOTE:

There was no Council action necessary on this matter.

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Beckman reported that he recently met with Pastor Dale Edwards. Mr. Beckman asked that an item be placed on a future agenda for Council to consider adopting the Code of Ethics and Values, which Pastor Edwards had previously submitted.
- Council Member Land agreed with Mr. Beckman regarding Council consideration of the Code of Ethics and Values. He recalled that Council appointee evaluations are typically done prior to budget review and suggested that they be scheduled. He commended the Lodi Fire Department, as well as the fire departments of Woodbridge, Waterloo-Morada Rural Fire Protection District, Mokelumne, and Stockton, for their mutual aid assistance and handling of the three-alarm fire that occurred in downtown Lodi yesterday.
- Council Member Hitchcock reported that the Greenbelt Community Separator Task Force has been conducting meetings twice each month and has had a number of speakers provide presentations.
- Mayor Hansen, referencing Police Officer Memorial Month, spoke in support of maintaining the current retirement system for public safety personnel. He reported that those who work in the profession often have a short lifespan after retirement, due to the stress of the job. In reference to recent communications regarding the Environmental Abatement Program litigation, he felt strongly that the City was now on the right track and asked citizens not to overreact to comments being made. Council recognizes the heavy responsibility it shoulders to ensure the quality of drinking water. He projected that within 6 to 18 months there would be significant actions taking place toward resolution of this matter.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager Flynn reported that May 16 is the birthday of Human Resources Director Narloch and Interim Parks and Recreation Director Goehring. He suggested that Council may want to consider instituting a process (that another city practices) where appointees to City Boards and Commission are sworn in during a regular Council meeting.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:20 p.m.

ATTEST:

Susan J. Blackston
City Clerk

**CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JUNE 1, 2004**

The June 1, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JUNE 1, 2004**

The June 1, 2004, Special City Council meeting was canceled due to lack of a quorum.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
FRIDAY, JUNE 4, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of June 4, 2004, was called to order by Mayor Hansen at 4:00 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Note: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston were excused from attending the meeting by Mayor Hansen.

B. CLOSED SESSION

At 4:00 p.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

- a) Public employment – Council Appointee – Job Title, City Attorney – pursuant to Government Code §54957

The Closed Session adjourned at 7:20 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:20 p.m., Mayor Hansen reconvened the Special City Council meeting and disclosed that no reportable action was taken in closed session.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:20 p.m.

ATTEST:

Susan J. Blackston
City Clerk

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
MONDAY, JUNE 7, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of June 7, 2004, was called to order by Mayor Hansen at 6:00 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Note: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston were excused from attending the meeting by Mayor Hansen.

B. CLOSED SESSION

At 6:00 p.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

- a) Public employment – Council Appointee – Job Title, City Attorney – pursuant to Government Code §54957

The Closed Session adjourned at 8:50 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:50 p.m., Mayor Hansen reconvened the Special City Council meeting and disclosed that no reportable action was taken in closed session.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:50 p.m. to Friday, June 11, 2004, at 8:30 a.m.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Authorize Advertisement of Request for Proposals for Design/Build Services for Municipal Service Center Public Works Locker Room Expansion

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council authorize advertisement of Request for Proposals (RFP) for Design/Build Services for Municipal Service Center (MSC) Public Works Locker Room Expansion.

BACKGROUND INFORMATION: The MSC Public Works Administration Building was originally constructed in 1972. There is a substantial need for more staff lockers and bathroom facilities. There is only one toilet for male employees, one for female employees and one "unisex". The existing facility does not have any handicap accessible toilets. There is also a need for a bathroom that can be accessed after normal working hours for staff members refueling vehicles. The new bathroom facilities would be a permanent replacement for the MSC bathroom trailer currently being rented by Public Works. The project includes approximately 800 square feet of building space including:

- Locker Room Expansion: The addition of 24 lockers, two toilets for male employees, with one being ADA accessible, and two ADA accessible sinks.
- Unisex Bathroom: The addition of four lockers for female employees and one ADA-accessible toilet and sink. This bathroom will be available for use by employees at all hours.
- Storage Space: The addition of 320 square feet to be used for uniform and material storage. Relocating these uses out of the existing break/meeting room will allow more space and uninterrupted meetings at the facility.

Public Works staff members have created a floor plan which maximizes the available space and meets the current needs for additional facilities. A design/build approach to this project should be the most cost-effective and timely method of getting this project completed. The department has utilized this approach for some minor projects, such as well-site enclosures, and is considering this method for larger projects. This project, while still small, has more of the aspects of a typical building project.

Council is being asked to authorize advertising for Request for Proposals for the project, which includes the above noted improvements and associated electrical, mechanical, utility, site preparation and demolition as required. A prequalification process is included to determine eligible design/build teams and ensure they have the necessary experience to perform the work. The proposals require a "Guaranteed Maximum Price" for the design and construction of the project.

The Request for Proposals is on file in the Public Works Department.

FUNDING: This project will be funded by Development Impact Mitigation fees.
 Budget Estimate Page E-54: \$150,000
 Planned Proposal Receipt Date: July 9, 2004

James Krueger, Finance Director

Richard C. Prima, Jr.
 Public Works Director

Prepared by Gary Wiman, Construction Project Manager

cc: Joel Harris, Purchasing Officer

Gary Wiman, Construction Project Manager

Curt Juran, Asst. Street Supt.

APPROVED: _____
 H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Rejecting All Bids, Authorizing Advertisement for Bids for the Henning Substation Heavy Load Access and Driveway, 1345 West Kettleman Lane, and Further Authorizing the City Manager to Award or Reject the Contract (Up to \$22,000)

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution rejecting the bids for the above project, authorizing advertisement for bids, and further authorizing the City Manager to award or reject the contract up to \$22,000.00.

BACKGROUND INFORMATION: This project will provide access to Henning Substation from Kettleman Lane, through the recently-installed gate at the southeast corner of the substation. This new substation entry will eliminate the need for access through the MSC yard, resulting in much-needed additional storage space within the yard. The design of the driveway allows tractor/trailer rigs (lowboys) hauling large power equipment, such as transformers and circuit breakers, to enter and exit directly from Kettleman Lane. The design of the access and driveway will also provide five additional parking spaces for the animal control operation when not needed as turning room for tractor/trailer rigs accessing the substation.

This project consists of grading, compacting, and paving a 3,600 square foot parking lot and paving a 1,700 square foot ramp over existing asphalt grindings within the substation. The work also consists of removing existing trees (2) and landscaping, modifying the irrigation system, installing concrete curbing and other incidental and related work, all as shown on the plans and specifications for the above project.

The City received two bids on May 19, 2004 (see attached bid tab). Both bids, \$28,949.00 and \$38,530.36, were considerably higher than the Engineer's Estimate of \$15,220.00. Staff feels that the bids we received were not competitive enough and is investigating other ways to make the project more cost effective, which may include using City forces to perform some of the work.

Staff is recommending the Council reject the bids for this project, authorize advertisement for new bids at a later date, and authorize the City Manager to award or reject the contract up to \$22,000.00.

The plans and specifications are on file in the Public Works Department.

FUNDING: Funding is available within the Electric Utility Department's Capital Improvement Budget (Business Units 161669 and 161677).
 Project Estimate: \$22,000.00
 Budgeted: 01/02 fiscal year
 Planned Bid Opening Date: Unknown at this time
 Funding Available:

James R. Krueger, Finance Director

Alan N. Vallow
Electric Utility Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Mark J. Lindseth, Associate Civil Engineer
Attachment

cc: Jerry Adams, Chief of Police
Hans Hansen, Engineering and Operations Supervisor

Joel Harris, Purchasing Officer
Rebecca Areida, Management Analyst

APPROVED: _____
H. Dixon Flynn, City Manager

CITY OF LODI**Public Works Department**

Tabulation of bids received May 12, 2004

PROJECT: HENNING SUBSTATION HEAVY LOAD ACCESS AND DRIVEWAY

1345 West Kettleman Lane

Item	Description	Qty	Unit	Engineer's Estimate		A.M. Stephens Construction Co. Lodi		Diede Construction Woodbridge	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Clearing & Grubbing	1	LS	2,000.00	\$2,000.00	4,500.00	\$4,500.00	9,256.00	\$9,256.00
2	Pavement Grading & Compaction	3,600	SF	0.50	\$1,800.00	1.00	\$3,600.00	0.87	\$3,132.00
3	Sprinkler Modification	1	LS	2,000.00	\$2,000.00	4,750.00	\$4,750.00	6,760.00	\$6,760.00
4	Install 4-Inch Aggregate Base Class II @ 95% Relative Compaction	68	Ton	25.00	\$1,700.00	55.00	\$3,740.00	71.12	\$4,836.16
5	Asphalt Concrete Paving Type B 3/8- Inch Maximum Aggregate	56	Ton	60.00	\$3,360.00	86.00	\$4,816.00	130.00	\$7,280.00
6	Concrete Curbing	183	LF	20.00	\$3,660.00	21.00	\$3,843.00	30.40	\$5,563.20
7	Repair Landscape	1	LS	700.00	\$700.00	3,700.00	\$3,700.00	1,703.00	\$1,703.00
TOTAL					\$15,220.00		\$28,949.00		\$38,530.36

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL REJECTING ALL BIDS,
AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE HENNING SUBSTATION
HEAVY LOAD ACCESS AND DRIVEWAY, 1345 WEST KETTLEMAN LANE, AND
FURTHER AUTHORIZING THE CITY MANAGER TO AWARD OR REJECT THE
CONTRACT UP TO \$22,000

=====

WHEREAS, this project will provide access to Henning Substation from Kettleman Lane, from the recently-installed gate at the southeast corner of the substation; and

WHEREAS, this new substation entry will eliminate the need for access through the MSC yard, resulting in much needed additional storage space within the yard; and

WHEREAS, the driveway design allows tractor/trailer rigs hauling large power equipment to enter and exit directly from Kettleman Lane, and in addition will provide five additional parking spaces for the animal control operation when not needed as turning room for the tractor/trailer rigs accessing the substation; and

WHEREAS, the projects consists of grading, compacting, and paving a 3,600 square foot parking lot and paving a 1,700 square foot ramp over existing asphalt grindings within the substation, removing two trees and landscaping, modifying the irrigation system, installing concrete curbing and other incidental and related work; and

WHEREAS, staff recommends rejecting all bids and authorizing advertisement for bids for Henning Substation Heavy Load Access and Driveway, 1345 West Kettleman Lane, and further recommends that the City Manager be authorized to award or reject the up to \$22,000 for this project.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby reject all bids, and authorizes advertisement for bids for Henning Substation Heavy Load Access and Driveway, 1345 West Kettleman Lane; and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to award or reject the contract up to \$22,000.00 for the Henning Substation Heavy Load Access and Driveway, 1345 West Kettleman Lane.

Dated: June 16, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt a Resolution Authorizing the Award of Contract for Rental and Cleaning of Uniforms for Certain Field and Warehouse Employees to Unifirst Corporation (\$20,000)

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the award of the contract for the rental and cleaning of uniforms for certain maintenance and warehouse employees to Unifirst Corporation.

BACKGROUND INFORMATION: On December 17, 2003, the City Council awarded the contract for the furnishing and cleaning of uniforms for the maintenance personnel in the Streets, Water/Wastewater, Fleet Services, Purchasing, Facility Maintenance, and Parks Divisions to Prudential Overall Service of West Sacramento, the low bidder. The quality of the service provided by Prudential was far below acceptable standards. Thus, per the cancellation clause in the specifications, that contract was cancelled on May 14, 2004.

Unifirst Corporation of Stockton, who previously had the contract, has been covering the shortages since Prudential first delivered a portion of the uniforms on February 27, 2004. Unifirst Corporation has gone out of its way to supply uniforms to those employees who did not receive them through Prudential and has agreed to continue service on a month-to-month basis until the contract for this service is awarded. Unifirst Corporation was the third lowest bidder in December 2003 by \$742.30 over Mission Linen and Uniform Supply of Sacramento. Since contracting for this service is governed by the City Code, the Council has the ability to waive formal bidding procedures. Given the good service by a local provider, staff is recommending that the City award the new contract to Unifirst Corporation for their original bid amount of \$20,454.10. The contract with Unifirst Corporation will be for two years, with an option to renew for an additional year upon mutual agreement of both parties.

FUNDING: The operating accounts for the Divisions using the service.
(Water/Wastewater, Streets, Facilities and Fleet, Purchasing, and Parks)

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by George M. Bradley, Street Superintendent
RCP/GMB/dsg

Attachments

cc: D. Stephen Schwabauer, Interim City Attorney
Tony Goehring, Parks & Recreation Director
Public Works Division Heads Bradley, Callahan, Beeler, Kerlin

James R. Krueger, Finance Director
Joel Harris, Purchasing Agent
Uniform Service Bidders

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING THE AWARD OF CONTRACT FOR
RENTAL AND CLEANING OF UNIFORMS FOR CERTAIN
FIELD AND WAREHOUSE EMPLOYEES

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on November 25, 2003, at 11:00 a.m. for Rental and Cleaning of Uniforms for certain Field and Warehouse Employees, described in the specifications therefore approved by the City Council on November 5, 2003; and

WHEREAS, said bids were compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Prudential Overall Supply	West Sacramento	\$14,979.90
Mission Linen & Uniform Supply	Sacramento	\$19,711.80
Unifirst Corporation	Stockton	\$20,454.10

WHEREAS, on December 17, 2003, the City Council awarded the contract for the furnishing and cleaning of uniforms for the maintenance personnel in the Streets, Water/Wastewater, Fleet Services, Purchasing, Facility Maintenance, and Parks Divisions to Prudential Overall Service, the low bidder. Pursuant to the cancellation clause in the specifications, that contract was cancelled on May 14, 2004 due to unacceptable standards; and

WHEREAS, Unifirst Corporation, which previously had the contract and which had submitted a comparable bid for this current contract, has been covering the shortages since Prudential first delivered a portion of the uniforms on February 27, 2004; and

WHEREAS, Unifirst Corporation has gone out of its way to supply uniforms to those employees who did not receive them through Prudential and has agreed to continue service on a month-to-month basis until the contract for this service is awarded; and

WHEREAS, Unifirst Corporation was the third lowest bidder in December 2003 by \$742.30 over Mission Linen and Uniform Supply of Sacramento; and

WHEREAS, since contracting for this service is governed by the City Code, the City Council has the ability to waive formal bidding procedures; and

WHEREAS, given the good service by a local provider, staff recommends awarding the new 2-year contract with an option to renew for an additional year upon mutual agreement of both parties, to Unifirst Corporation for their original bid amount of \$20,454.10; and

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the award of the contract for the Rental and Cleaning of Uniforms for certain Field and Warehouse Employees, be made to the third lowest bidder, Unifirst Corporation of Stockton, California, waiving the formal bidding procedures pursuant to Lodi Municipal Code §3.20.070, in the amount of \$20,454.10.

Dated: June 16, 2004

=====

I hereby certify that Resolution No. 2004-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Additional Task Orders for West Yost & Associates for White Slough Facility

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve additional task orders for West Yost & Associates for the White Slough Facility and appropriate funds.

BACKGROUND INFORMATION: Although the Phase 2 construction contract for installation of tertiary filters and UV disinfection and other improvements at the White Slough Facility is well-underway, there are a number of other items that still need to be addressed. These items were discussed during the presentations of the project and financing and are listed below:

- Capacity Fee Update (Task Order 15) – With the rate increases approved in April, staff indicated that the capacity fees (the one-time fee charged to new users) would be updated in the summer of 2004. This task order will accomplish that work. Staff proposes to use the same team who performed the rate work and to combine the two separate fees we presently charge (capacity fee and sewer development impact mitigation fee). Since the two fees are charged on a different basis, we will need to change one (or perhaps both) of the fee mechanisms to simplify the fee calculation. We will also look at possibly having a “new user” rate surcharge that will pay the fee over time based on actual use.

The cost of this work is \$39,000 and includes covering a cost overrun in the rate work. The consultant spent a considerable amount of time working with staff and our financial advisors during the financing phase of the project. This effort did save both staff time and work that would have been done by our financial advisors and the result is a spreadsheet model that staff will be able to use in the future.

- Standby Power (Task Order 16) – The Facility is served via the PG&E electrical system with two sources (one primary and the other is backup), neither of which has the capacity to handle the significantly increased load from the new equipment. PG&E studied the necessary upgrades and provided costs for this work, which, depending on the option, was on the order of \$1.8 million in capital costs. Significant future costs in the form of standby and demand charges were not included, but are estimated to add approximately \$13,000 per month to the power bill.

The Lodi Electric Utility and our consultants have analyzed the problem and feel the best long-term alternative is to split the Facility’s load and continue to utilize the existing services and provide back-up power from standby generators. The cost of generators and the associated equipment is approximately \$1,040,000.

APPROVED: _____
H. Dixon Flynn, City Manager

Our consulting team has provided a task order to design the standby power improvements at a cost of \$76,700 including construction services. The plan is to bid the equipment and negotiate a change order with the Phase 2 project contractor.

- Permit Assistance (addition to Task Order 5) – As mentioned earlier, our existing discharge permit expires in January 2005. In order to renew the permit, we must submit a new “Report of Waste Discharge”. Staff anticipates that this will be a more difficult permit negotiation than our last permit and expects that the permit issuance time and effort will be significant. Our consultants have an existing task order pertaining to discharge permit assistance, however additional funds will be needed.

This work will include preparing the report, which consists of an effluent flow analysis and water quality assessment, and assessments of biosolids, industrial dischargers, receiving waters, and groundwater. In addition, we will attempt to obtain a storm water discharge permit in order to allow us to discharge storm water from the site. Presently, all runoff is stored in ponds and routed through the treatment process. Discharging this water will free-up pond space and reduce our treatment costs. The pond space will be important to have in the event discharge requirements limit our ability to discharge effluent under some conditions.

The work also includes further work in analyzing available dilution in Bishop Cut and the benefits we hope to obtain by relocating our discharge point, regulatory negotiations, project management and development of an integrated spreadsheet tool to manage our irrigation and biosolids loading management and reporting.

The budget estimate for this work from our consultants is \$115,200. We have \$22,000 in available funds from the current task order, however staff is recommending we also allow for additional costs for legal support in the permit negotiations.

All the recommended appropriations include the actual task order, plus an allowance for miscellaneous expenses and contingencies, plus a legal fee allowance in Task Order 5. Copies of the scope of services are available in the Public Works Department. Note that staff anticipates additional task orders in the next year for Phase 3 design and environmental services, control system improvements and for development of an updated operations and maintenance manual for the Facility.

Recommended Appropriations:

Task Order 15 – Capacity Fee Update - \$39,000
Task Order 16 – Standby Power Design - \$84,000
Task Order 5 (add'l) – Permit Assistance - \$135,000

FUNDING: Wastewater Fund (2004 Wastewater COP)

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

RCP/rcp/

cc: West Yost Associates
Del Kerlin, Wastewater Treatment Superintendent
Gary Wiman, Construction Project Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Accept Improvements Under Contract for Communication Conduit Installation (Carnegie Forum at 305 West Pine Street to 300 West Pine Street)

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the "Communication Conduit Installation (Carnegie Forum at 305 West Pine Street to 300 West Pine Street)" contract.

BACKGROUND INFORMATION: The contractor for this project was Columbia Electric, Inc., of San Leandro and the contract for this project was executed on March 16, 2004, in the amount of \$16,820. This project was done to provide voice/data communication to the Acordia Building as part of the Finance Department's relocation into that building. The contract has been completed in substantial conformance with the plans and specifications approved by Council.

The final contract price was \$17,660. The difference between the contract amount and the final contract price is mainly due to an adjustment in the lineal footage of conduit that was installed as part of this project.

Following acceptance by the City Council, the City Engineer will file a Notice of Completion with the County Recorder's office.

FUNDING: Budgeted Fund: Capital Outlay/General Fun
Contract Amount: \$17,660

James Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley Fujitani, Senior Civil Engineer

RCP/WKF/pmf

cc: Joel Harris, Purchasing Officer
Fleet/Facilities Manager
Senior Civil Engineer Swimley

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Accepting Harney Lane and Mills Avenue Street Frontage Improvements in Century Meadows Three, Unit No. 4, Tract No. 2769

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution accepting Harney Lane and Mills Avenue frontage improvements in Century Meadows Three, Unit No. 4, Tract No. 2769.

BACKGROUND INFORMATION: Improvements in Century Meadows Three, Unit No. 4, Tract No. 2769, include street frontage improvements along Harney Lane and Mills Avenue, as well as improvements within the subdivision boundaries.

The development improvements within the subdivision boundaries have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and Harney Lane Development, LLC, as approved by the City Council on December 18, 2002, and as shown on Drawing Nos. 002D085 through 002D095, 002D107 through 002D112, and 002D143. The interior street improvements were accepted by Council on November 19, 2003. The remaining improvements on Harney Lane and Mills Avenue are now complete and staff is recommending Council acceptance of the remainder of the development.

The streets to be accepted are as follows:

<u>STREETS</u>	<u>LENGTH IN MILES</u>
Harney Lane	0.00
Mills Avenue	0.00
TOTAL NEW MILES OF CITY STREETS	0.00

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Wes Fujitani, Senior Civil Engineer
RCP/WKF/pmf

cc: Interim City Attorney
Senior Civil Engineer – Development Services
Chief Building Inspector
Developer/Owner

Senior Engineering Technician - Design
Street Superintendent w/map
Senior Traffic Engineer
Baumbach and Piazza

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING
THE REMAINING DEVELOPMENT IMPROVEMENTS
INCLUDED IN THE IMPROVEMENT AGREEMENT FOR
CENTURY MEADOWS THREE, UNIT NO. 4, TRACT NO. 2769

=====

The City Council of the City of Lodi finds:

1. That all requirements of the Improvement Agreement between the City of Lodi and Harney Lane Development, LLC, for the improvements in Century Meadows Three, Unit No. 4, Tract No. 2769 have been substantially complied with. The improvements are shown on Drawing Nos. 002D085 through 002D095, 002D107 through 002D112, and 002D143 on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on December 18, 2002; and
2. The interior street improvements were accepted by Council on November 19, 2003, and the remaining improvements on Harney lane and Mills Avenue are now complete and the remainder of the development is hereby accepted.
4. The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Harney Lane	0.00
Mills Avneue	0.00
Total New Miles of City Streets	0.00

Dated: June 16, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Amending City of Lodi Public Works Transit Policy and Procedure for Use of Transit Service Outside of Regular Operations

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That City Council adopt a resolution amending the City of Lodi Public Works Transit Policy and Procedure on Transit Services Outside of Regular Service Operations.

BACKGROUND INFORMATION: At the March 5, 2003, meeting, the City Council adopted a policy and procedure for the use of transit services outside regular operations. Included in the adopted policy was specific language identifying the procedure for utilizing the City's transit services for public service events. In May, the City went through its Triennial Review from the Federal Transit Administration (FTA). At that time, revisions to the policy were requested by the FTA. The revisions included in the attached policy reflect their comments and concerns.

The policy revisions call for the City's Transportation Manager to advertise not only in the local newspapers, but additionally with the trade organizations to determine if any other operator is willing and/or able to perform the service. To expedite this process, FTA recommended (and we included in the policy) to do one general advertisement each year, and, should no provider be interested, the City's transit service may provide those services at the fully allocated rate. The policy would still require the Council to approve all requests for service. All known events will be presented for Council approval at the beginning of each year, along with the request for authorization for advertisement. Subsequent requests will be presented for approval as they are received throughout the year. An administrative fee of \$50 per event would be charged to cover the annual advertisement. The current fully allocated rate per bus (contract cost plus maintenance, depreciation, etc.) is \$50 per hour.

FUNDING: None required.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager
RCP/TMF/pmf
Attachment
cc: Liz Diaz, General Manager, MV Public Transportation, Inc.

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
CITY OF LODI POLICY AND PROCEDURES FOR
TRANSIT SERVICE OUTSIDE OF REGULAR
OPERATIONS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby amend the City of Lodi Policy and Procedures for use of Transit Service Outside of Regular Operations adopted March 5, 2003, as shown on Exhibit A attached hereto; and

BE IT FURTHER RESOLVED that this policy and procedure amendment shall become effective June 17, 2004.

Dated: June 16, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI

PUBLIC WORKS DEPARTMENT

POLICIES AND PROCEDURES

TRANSIT-1

Use of Transit Services Outside of Regular Operations

06/16/04

INTRODUCTION

The following policy regarding special transit services by the City of Lodi (under agreement with our operator) applies to all service which falls outside the scope of regularly operated Transit service regardless of whether that service is categorized as Dial-A-Ride Service or Fixed-Route Service (Grapeline). For example, a group of people may reserve a Dial-A-Ride bus and travel within our service area during normal operating hours, pay regular fares and not be considered "special" service.

POLICY

- I. Users of the City of Lodi's transit system shall be encouraged to utilize regularly offered services to address their transportation needs. Federal Transit Administration (FTA) and Transportation Development Act (TDA) rules and regulations restrict the use of vehicles for any outside service.
- II. The City of Lodi shall limit the use of transit vehicles to City-related functions assuming that the following conditions are met, except as provided in Section III.
 - A. The request for special service must not interfere with regularly scheduled service to the public or compete unfairly with private operators where private operators are willing and able to provide this service (TDA requirements).
 - B. Cost for Transit services incurred by functions with direct City Council/staff participation shall be monitored and evaluated yearly. Examples of these activities include:
 - Council/commission/staff tours of City facilities
 - Participation in public parades (Parade of Lights, Grape Festival, etc.)
 - Local tours for education programs, such as Leadership Lodi, in which City staff are participating

These costs shall be evaluated against expenses incurred by the City General Fund for Transit (rent of office space, secretarial work). Should the costs of performing "special" transit services for City sponsored events exceed the expenses incurred by the City General Fund for Transit, the difference shall be paid to the Transit fund. Transit services for either City and/or non-profit events with City Council/staff participation shall be limited as outlined in Paragraph C.
 - C. All requests shall be subject to paying for the full cost of service.
- III. The City's Transportation Manager shall advertise annually in local newspapers and at bus trade organizations for City events and public service events expected to be approved by the City Council (Sandhill Crane Festival, Grape Festival, etc.) to determine if any private operator is willing and/or able to perform the service. If no such provider exists, the City of Lodi's transit service may be utilized at the fully-allocated rate. An administrative fee of \$50 will be charged to each applicant to cover the advertisement costs.

PROCEDURE

The City of Lodi's Transportation Manager upon receipt of a request for service, in conjunction with the transit operator, shall determine that the policy requirements are met. Upon that determination the following general procedures apply.

1. All applications for special services shall be submitted to either the Transportation Manager or transit operator no less than four weeks prior to an event. (Applications shall be made available at City Hall and the Transit Office.) This shall allow for the proper arrangements to be made to accommodate the service. Applications not presented to Council for approval with the annual advertisement for special events per Section III of the Policy require eight weeks notice to allow for Council agenda scheduling.
2. The transit operator shall attempt to utilize existing service to the extent possible to meet the requested needs of applicants. All requests which are eligible under the standard daily operations of Dial-A-Ride/Grapeline service shall be operated as such.
3. Applications which do not meet the conditions of the policy shall be returned within three working days to the applicant to allow for alternative transportation arrangements to be made.
4. A deposit of \$25 shall be required at the time the reservation is confirmed.
5. Applicant shall contact the transit operator three days before event to re-confirm details submitted in applications or to cancel the service request. Any modifications must be made at least 24 hours in advance, however, any cancellation after three days prior to the scheduled service shall forfeit their deposit.
6. Payment is due in full at the time of service. City of Lodi departments will be billed according to City billing practices.
7. Payment for services shall be charged according to the applicable published rates.
8. In July of each year, all applicants for special service per Section II B, C of the Policy will be invited to submit their requests for the upcoming year. At that time, they will be assigned to the yearly schedule not to exceed 40 specials or \$10,000 a year. Requests for services shall be apportioned first to City-sponsored events with the remaining requests allocated equitably among the applicants. This will allow for agencies that have events scheduled for later in the year to apply instead of allowing for a first come, first serve basis. The Transportation Manager will notify the applicants once the 40 specials/\$10,000 of service have been allocated for the year.
9. The Transportation Manager shall maintain a list of private providers within the City of Lodi, the City of Stockton, North San Joaquin County and the City of Galt who are to be contacted and shall advertise to update the list as required by Federal and State regulations.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve the Transfer of General Fund Capital Improvement Funds to the Transit Fund to Correct Deficit

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve the transfer of General Fund Capital Improvement Funds to the Transit Fund to correct deficit.

BACKGROUND INFORMATION: At the April 26, 2004, City Council meeting, options for curing the negative \$887,238 Transit fund balance were presented and discussed. This amount is the remaining deficit in the Transit Fund after various Street and Impact Fee Fund transfers were made. The City Manager directed staff to return to Council with recommendations on this matter. Staff considered the following options:

Option 1: Obtain a Measure K advance of Local Street Repair (LSR) funds for future street projects within the Impact Mitigation Fee (IMF) Program. This option is a "Spend to Get" program wherein the City would not actually receive the funds until the project had been paid for. A listing of the projects and the forecast year of funding is provided in Table 1, Exhibit A. Taking an advance of LSR funds will result in a commensurate reduction in the quarterly payment the City receives.

Option 2: Delay Measure K LSR funded projects. Transfer the Measure K LSR funds to the Transit Fund. In the current fiscal year, fund balance is not sufficient to significantly improve the Transit Fund balance. Table 2, Exhibit A presents suggested maintenance projects and costs that might be deferred in the next two fiscal years.

Option 3: Transfer General Fund Capital funds to the Transit Fund. Funds are available now for this transfer.

New Option 4: Transfer Streets Impact Mitigation funds to the Street Fund and then from the Street Fund to the Transit Fund by accelerating the reimbursement schedule for Existing Facilities. In explanation, the IMF Program includes a project that reimburses the General Fund – Street Fund for facilities constructed prior to 1991 that had excess capacity that is being used to serve new development. Each year a percentage of the IMF Streets (Local and Regional) revenues are transferred to the Street Fund. The current balance owed to the Street Fund is \$916,993. This amount of cash is not available, so this option means setting up an IMF interfund loan.

Recommendation from staff is that we use Option 3. This is the only alternative that can be done now. We also note that many of the projects that are part of the deficit Street Funds were used in part to construct; the Multimodal Station, the Parking Structure, and Elm Street.

APPROVED: _____
H. Dixon Flynn, City Manager

FUNDING:

James Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer, and Rebecca Areida, Management Analyst

RCP/FWS/RA/pmf

Attachments

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
TRANSFER OF GENERAL FUND CAPITAL IMPROVEMENT
FUNDS TO THE TRANSIT FUND TO CORRECT DEFICIT

=====

WHEREAS, at the April 26, 2004 City Council meeting, options for curing the negative \$887,238 Transit fund balance were presented and discussed; and

WHEREAS, this amount is the remaining deficit in the Transit fund after various Street and Impact Fee fund transfers were made; and

WHEREAS, the following are recommended options to cure the deficit:

☐ Option 1: Obtain a Measure K advance of Local Street Repair (LSR) funds for future street projects within the Impact Mitigation Fee (IMF) Program. This option is a "Spend to Get" program wherein the City would not actually receive the funds until the project had been paid for. A listing of the projects and the forecast year of funding is provided in Table 1, Exhibit A. Taking an advance of LSR funds will result in a commensurate reduction in the quarterly payment the City receives.

☐ Option 2: Delay Measure K LSR funded projects. Transfer the Measure K LSR funds to the Transit Fund. In the current fiscal year, fund balance is not sufficient to significantly improve the Transit Fund balance. Table 2, Exhibit A presents suggested maintenance projects and costs that might be deferred in the next two fiscal years.

☐ Option 3: Transfer General Fund Capital funds to the Transit Fund. Funds are available now for this transfer.

☐ New Option 4: Transfer Streets Impact Mitigation funds to the Street Fund and then from the Street Fund to the Transit Fund by accelerating the reimbursement schedule for Existing Facilities. In explanation, the IMF Program includes a project that reimburses the General Fund – Street Fund for facilities constructed prior to 1991 that had excess capacity that is being used to serve new development. Each year a percentage of the IMF Streets (Local and Regional) revenues are transferred to the Street Fund. The current balance owed to the Street Fund is \$916,993. This amount of cash is not available, so this option means setting up an IMF interfund loan.

WHEREAS, staff recommends Option 3. This is the only alternative that can be done now. We also note that many of the projects that are part of the deficit Street Funds were used in part to construct; the Multimodal Station, the Parking Structure, and Elm Street.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Option No. _____ to correct the Transit Fund deficit;; and

Dated: June 16, 2004

=====

DRAFT

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____

Exhibit A

Table 1
IMF Projects

<u>Project Name</u>	<u>Project Cost</u>	<u>Year</u>	<u>IMF Fund</u>
Lower Sacramento Road	\$120,000	2005	Storm, Parks & Rec
Century Blvd.	\$205,000	2005	Storm, Parks & Rec, Local Streets
Ham/Harney Traffic Signal	\$150,000	2006	Local Streets
Lodi Ave.	\$75,000	2006	Local Streets
Vehicle Maintenance Shop Expansion	\$238,000	2006	Local Streets

Table 2
Measure K Projects

<u>Project Name</u>	<u>Project Cost</u>	<u>Year</u>
Pine Street Overlay	\$200,000	2004/2005
Turner Rd. Overlay	\$550,000	2005/2006
Central City Railroad	\$300,000	2005/2006



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution authorizing the City Manager to allocate Public Benefits Program funds to extend for one year the *Lodi Solar Schoolhouse Program*; and authorizing the City Manager to execute a contract with The Rahus Institute to assist in administering elements of this program (\$55,000)

MEETING DATE: June 16, 2004

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to allocate \$55,000 in Public Benefit Program funds to extend for one year the *Lodi Solar Schoolhouse Program*; and authorizing the City Manager to execute a contract with The Rahus Institute to assist in administering elements of this program.

BACKGROUND INFORMATION: For the past two years, the City of Lodi Electric Utility (via funding from the Lodi Public Benefits Program) has maintained a solar education outreach program. For the 2004-2005 fiscal year, Electric Utility staff is proposing to extend the very successful *Lodi Solar Schoolhouse Program*. In conjunction with The Rahus Institute (a 501c3 non-profit organization based in Martinez, California), the City of Lodi Electric Utility will provide a variety of solar energy projects for school-aged children throughout the Lodi community. Some of the 2004-2005 projects will include:

- Teacher Workshops- training for science and non-science teachers regarding solar power, solar technology and solar experiments;
- 2nd Annual Solar Schoolhouse Olympics- a day long event, whereby students in grades 5 through 12 create various solar projects that demonstrate solar technology, and compete for prizes;
- Renewable Energy Lecture Series- numerous workshops and presentations regarding new and emerging renewable energy resources will be provided to school teachers at both private and public schools within Lodi's city limits (or within Lodi Unified School District jurisdiction);
- Material Development- new and additional solar-related materials will be generated for distribution to students, as well as educators.

The intent of the *Lodi Solar Schoolhouse* is to showcase renewable energy resources to students and teachers. As we rapidly deplete our reserves of natural resources (such oil, coal and natural gas) around the world, our dependence on energy supplies will most likely shift to new and emerging technologies, including: solar, wind, hydrogen fuel cells, and others. Electric Utility staff is targeting elementary, middle and high school students in hopes of introducing our young people to these important technologies, *before* the earth's precious natural resources are fully consumed.

APPROVED: _____
H. Dixon Flynn, City Manager

Adopt a resolution authorizing the City Manager to allocate Public Benefits Program funds to extend for one year the *Lodi Solar Schoolhouse Program*; and authorizing the City Manager to execute a contract with The Rarus Institute to assist in administering elements this program (\$55,000) (EUD)

June 16, 2004

Page 2 of 2

The Rarus Institute has been partnering with the City of Lodi Electric Utility on solar-related projects for the past two years. By way of this Council agenda item, Electric Utility staff is recommending the extension of this project, and the contract with The Rarus Institute for the upcoming fiscal year.

Note: Due to the business relationship established between the City of Lodi and The Rarus Institute, Electric Utility respectfully requests that the Lodi City Council dispense with going out to bid pursuant to Lodi Municipal Code 3.20.070.

The solar projects provided by the City of Lodi Electric Utility over the past two years have been a great success, with over fifty teachers having participated in various training programs. In addition, hundreds of students in grades 5 through 12 have been afforded the opportunity to learn more about solar power, and participate in classroom projects pertaining to solar. Electric Utility staff respectfully recommends approval of the *Lodi Solar Schoolhouse Program* as a qualifying component of the City of Lodi Public Benefits Program.

FUNDING: 164608 Public Benefits Program (Category: Renewable Energy Resources Technologies)

Funding Approval:

Jim Krueger, Finance Director

Alan N. Vallow
Electric Utility Director

PREPARED BY: Rob Lechner, Manager of Customer Service & Programs

ANV/RL/ke

cc: R. Lechner

‘Solar Schoolhouse Lodi’



Presented to:
City of Lodi Electric Utilities Department
Lodi, CA

Prepared by:
Tor Allen
The Rahun Institute
1535 Center Avenue - Martinez, CA 94553
t: 925-370-7262 f: 925-889-2322
tor@rahus.org

May 14, 2004

Solar Schoolhouse Lodi

Education Energized by the Sun

Background

Founded in 1998, The Rahun Institute is a 501c3 non-profit organization dedicated to the promotion of renewable energy and resource efficiency. Our efforts thus far have primarily been to promote the use of personal renewable power, ie. photovoltaics & small wind energy located at residential or commercial building sites. Activities have included: program support, workshops, presentations, exhibit design, website development, consultations, etc. The Rahun Institute does not sell renewable energy equipment nor receive commissions for the sales of any particular renewable energy equipment.

Solar Schoolhouse

The Solar Schoolhouse (SSh) is a statewide program under development by The Rahun Institute. The City of Lodi has been a key participant in the development of the program. Lodi is the first city to attempt a district-wide rollout of the program, following smaller pilot efforts in other communities. ***The overarching Goal of Solar Schoolhouse-Lodi is to increase Energy Literacy in schools and the community.***

First year (2002-03) accomplishments for *Solar Schoolhouse Lodi* include:

- Conduct full-day teacher workshop for k-8 private schools in Lodi
- Conduct 2 full-day workshops for Lead Science (k-6) Teachers of Lodi Unified School District
- Conduct full-day solar car/fountain/pond project-based workshop for teachers
- Develop set of standards-based lessons for k-6 grade levels
- Provide Solar Technology Kits and Solar Cell Classroom Kits to LUSD and private schools
- Develop and provide Renewable Energy Resource Library for LUSD and private schools
- Assisted with special projects: Solar Cars at St. Anne's and Ecovillage at SDA.
- Develop and provide solar toolkit to Africa-bound Lodi teacher. Teacher will send updates on 1year teaching experience.

Second year (2003-04) accomplishments for *Solar Schoolhouse Lodi* include:

- One teacher attending the weeklong Summer Institute for Educators
- Expand outreach to middle and high schools
- Conduct 2 full day workshops – 1) Model Solar Home Building; and 2) Solar Fountain Design/Build.
- First Solar Schoolhouse Olympics May 15th.
- Olympics stimulates numerous after school solar energy clubs to work on projects.
- Co-sponsorship of development and creation of 'Your Solar Home' Video. Completion late May 2004.
- 'Your Solar Home' video distribution to all participating schools – late May 2004.
- Continued support for teachers developing classroom lessons based on Solar Cell & Solar Technology Kits.
- Develop solar project tip sheets for cars, model homes, fountains, ovens, sculptures.
- Develop connection between Photosynthesis and Photovoltaics as classroom connection. Fact sheet developed.

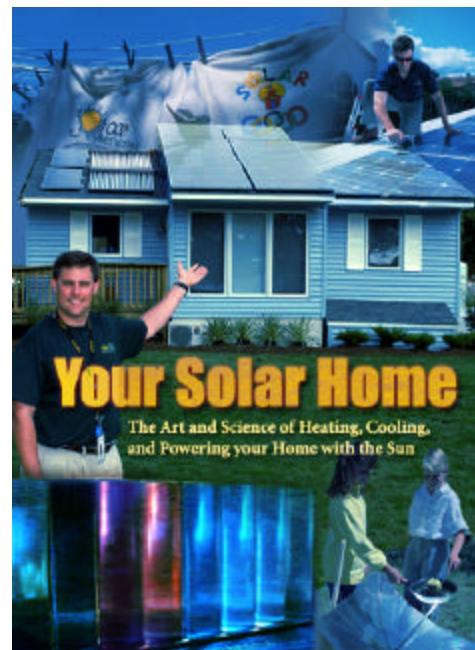
Project Status

Solar Schoolhouse Summer Institute – One Educator from Lodi attended the 4 day summer institute in Santa Barbara, during the summer of 2003. This educator benefited from an in depth session on building solar energy-based projects (model solar homes, solar fountains, solar cars, etc.). We also visited one of the highest ranked Green Buildings in the USA – The Bren Center at UC Santa Barbara – learning about a variety of energy savings measures incorporated as well as some new uses for recycled materials. The Lodi educator is participating in the Solar Olympics in nearly all events. More on the Summer Institute Experience is posted online at <http://www.solarschoolhouse.org/solareclips/2003.10/20031014-7.html>

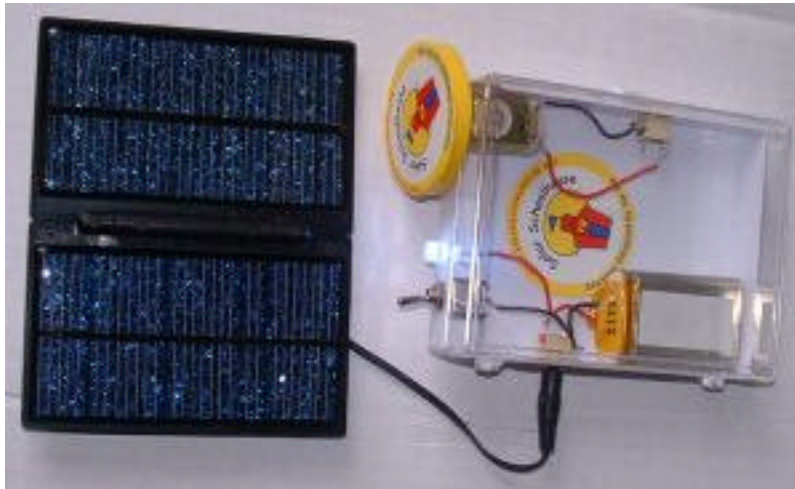
Teacher Workshops: The original proposal submitted last year was based on the idea of providing expanding training to include middle and high school science teachers. In an effort to attract new and *non-science* teachers to explore solar energy education and projects for their classrooms, we are piloting a competition called **Solar Schoolhouse Olympics (SSO)**. SSO has a variety of events, including Art categories. Guidelines have been developed which describe the events (model solar home, solar cooker, model solar cars, solar hot water heater, sculpture, solar fountain, art, public service announcement (PSA), solar cartoons). The Event is scheduled for May 15th. Thus far, the Olympics have stimulated a lot of activity and interest in building projects and attracting non-science teachers. Event kits were developed and distributed free to teachers wishing to participate on a first-come/first-serve basis (example: solar module plus gears/wheels for the model solar car event). A webpage was set up to provide documents and tips for teachers of the Lodi program. <http://www.solarschoolhouse.org/newssh/ssolodi/ssolodi.html>

An initial Solar Schoolhouse Olympics orientation was held in November 2003 to introduce the new competition. Two workshops were offered. One on Model Solar Homes (December) and a second on Solar Fountains (February). Teachers gained a better sense of project building and solar energy basics, to prepare them for working with their students.

Material Development: As with all Solar Schoolhouse projects, new materials evolve during the course of the year. In partnership with a few other co-sponsors, we are near completion on an instructional **video** titled “*Your Solar Home – The Art and Science of Heating, Cooling, and Powering your Home with the Sun*”. The video is intended to act as an introductory to the classroom, providing terminology and the basic scientific principles. We anticipate distributing the Video to schools in the Lodi area later this Spring (2004).



In addition to the video, we have developed what we call the **Flip Cell Kit**, a solar charging device that includes a Lithium Ion rechargeable battery, a super bright white LED light, and a small motor & wheel for direct power demonstration of how solar cells work. A mini foldable solar module (hence the name flip cell), originally intended for the solar cell phone charging market, is included with the kit. Teachers attending the workshops assemble a kit, which they can then use for demonstration in their classrooms. In the process, they learn about polarity, volts, amps, standalone solar systems, and state-of-the-art battery and lighting technology. Additional curriculum lessons are being developed and provided to teachers: this includes project ideas for building simple measurement tools for assessing sun angle and solar intensity, then correlating data to explaining seasonal changes ('Reasons for the Seasons')



Flip Cell Solar Kit, with Lion battery and White LED light.

Project Description

Building upon the progress made these past 2 years (2002-04), several new tasks are proposed for Year 3 of the program, designed to support the accelerated adoption of curriculum, expand the outreach to broader audience, and enhance the experience. Proposed tasks are described below.

Task 1: 3 Grid-tie Solar Electric systems with Realtime monitoring–

A small (<1000watt) solar electric systems will be installed at the 3 winning Solar Schoolhouse Olympics schools. One Elementary, Middle and High School. Rahu is currently working to pre-certify a single pole mount design through the California Division of State Architect, the construction authority for k-12 schools in California. Rahu will work with the Lodi Unified facilities management to install the pole-mount systems.

A real-time monitoring system will record performance data and make the system accessible to students, teachers, and the community via the internet. Rahu, in collaboration with Fat Spaniel Technologies, has developed a set of interactive webpages to present the data. A low cost hardware solution makes this an affordable approach, such that there will be several systems which can be compared/studied in the local area. The web solution will maximize the educational value of these systems. In addition to their own school performance, students can compare with schools across the country.



Grid-tie pole mount design for winning schools of Solar Schoolhouse Olympics.



Main Data page for all schools with grid-tie solar electric systems.

Task 2. Renewable Energy Lecture Series

Based on the feedback from teachers we're working with in Lodi, they want to learn more. The Renewable Energy Lecture series is proposed as a means to bring a variety of subjects to the community of Lodi. Lectures will be held at Hutchins Street Square, once a month starting in September. Potential topics include: Wind Energy, Hydrogen Fuel Cells, Solar Electric for Commercial Applications, History of Solar Energy Use, Biodiesel – alternatives to gasoline, etc. Each lecture will have handouts, and a set of web resources for participants to explore the topic further. The lectures would be open to both community members and local students. Several teachers have indicated that they would give students extra credit for attending the lectures. The Lecture series is an opportunity to create a dialogue with community members and provide a forum to learn and discuss energy topics and issues.

Task 3. Curriculum Working Group

In an effort to make stronger connections to the state standards and adapt solar energy and other energy topics into the k-12 curriculum, we propose establishing a curriculum working group. The group would consist of teachers from elementary, middle and high schools in Lodi. The goal would be to map out connections, make lessons that build upon each other, and meet the state subject teaching standards. Teachers participating in the working group would then pilot the lessons at their own school/class, and also participate in teaching a workshop to the rest of the district. While this task may seem to duplicate other efforts, this effort is designed to also strengthen the connection among teachers in the district and develop a logical stepped teaching approach (vs. teaching the same thing at all grade levels).

Task 4. Enhance materials and provide additional support

Work with Lodi Unified School District and Lodi private schools to identify additional material needs to support the training initiated during school year 2004-05. Explore new approaches to reach greater numbers of teachers in the K-12 grade levels. Build upon the relationships that we've established to help make it an integral part of school curriculum.

4a. Science Camp/Lodi Lake - After 40 years of attending Science Camp, LUSD will no longer be sending 5th & 6th grade students to Science Camp for a week, due to current budget issues. To fill the gap, we will work with the district to identify potential field trip locations that include renewable energy features. For example, the Nature Center at Lodi Lake Park presents an opportunity to introduce renewable energy into an existing experience. Students regularly visit the park to study watershed issues. Adding the renewable energy components will enhance the visit. Rarus has met with LUSD and Park staff to discuss options and opportunities for collaboration. A solar fountain is proposed for the Lodi Lake center.

4b. Field Trips – Develop field trip options for schools in the area. Potential Renewable Energy sites include: Wind turbines of Solano County, geothermal plant at the Geysers, Solar Electric facility, hydro power plant, fuel cell collaborative in Sacramento, etc. One teacher is even considering taking his students to Washington DC to witness the Solar Decathlon in Fall 2005, where 20 zero energy homes designed and built by university architectural/engineering students will gather to compete in various events. [www.solardecathlon.org]. Rarus will research and document contacts for several field trip options that schools can choose to arrange themselves.

4c. Lodi USD Intradistrict Media Center (IMC) - The IMC is a centralized 'library' of lab kits, books, and videos that teachers throughout LodiUSD can check out and use in their classrooms, for several weeks at a time. We have met with Diane Siemers of the IMC, and will work with her to better advertise to teachers what is available from the IMC. Diane also provides recommendations to teachers looking for suggestions.

4d. Lead Science Teachers – Continue to meet periodically with Lead Science Teachers at Lodi Unified School District (LUSD). Jay Bell is the lead contact for this group.

4e. Project Highlights – Identify and capture stories of teacher success with the curriculum & materials in the classroom. New and effective strategies for integrating the material can then be shared with other educators. We will write up 1-2 page success stories to distribute via website and via district mail.

Task 5. Science Fairs/EarthDay –

Explore integrating an ‘energy’ category at local Science Olympiads, Science Fairs, or Earth Day events. This task will replace the Solar Schoolhouse Olympics as we try an alternative approach, working to integrate into existing programs. Develop a booklet of Science Fair project ideas for solar energy and energy efficiency topics.

Task 6. Solar Schoolhouse Summer Institute 2004 Sly Park (Pollock Pines) -

Scholarships for up to 4 educators from Lodi Schools. Teachers attending this summer seminar will learn about the science and history of heating, cooling and powering our homes with the Sun. Participants will build solar cookers, model passive solar homes, solar electric cars/fountains, and conduct energy audits. We will visit several local low-energy, solar buildings to see these designs in practice. In addition to learning the science of proper building design (e.g. thermodynamics, electricity, seasonal changes) and how to fit these exercises into your curriculum, participants will walk away with practical knowledge that they can apply in their own lives. Integrating solar energy education into your curriculum can provide an element of excitement and hope for the future. Educators attending the summer session will continue to develop as mentors for other teachers at their school/district.

http://www.solarschoolhouse.org/ssh/ssh_sie2004.html

Task 7. Teacher training workshops

Our strategy for information dissemination continues to focus on a “train-the-trainers” approach. By conducting workshops for teachers we hope to provide them with a level of comfort with the subject, such that they take ownership and integrate these subjects into their classroom. In this manner, renewable energy becomes a default lesson (or lessons) at the school, and is not dependent on funding cycles. While we have made progress in reaching more educators this current year via workshops, we propose conducting 2 full-day workshops during FY04-05, to continue the momentum.

Task 8. Video Tutorials for Curriculum and lab kits

Teacher feedback from year one indicated a need for video tutorials for curriculum and lab kits. Video tutorials posted online (and available on CD, VHS or DVD) are designed to help teachers gain confidence in conducting lessons/labs with their class. We will develop video tutorials supporting K-12 solar energy lessons.

Project Team

Primary Team members are:

Tor Allen, *The Rahun Institute*, Project Management, Creative, writing, Workshop Presentations, ... Tor is responsible for managing the project. His background in developing educational information through Rahun and PG&E's Daylighting Initiative provide experiences in creative development and contract management. The past 10 years studying and teaching solar energy and renewable energy topics provide a good background. He has an appreciation for what works through a year working for a solar contractor. At the Pacific Energy Center, Tor has organized and taught a variety of solar courses on Building Integrated PV, solar design software, solar basics and green power. Tor has provided design & content for the SunPower posters, interactive displays, in addition to providing content for the www.californiasolarcenter.org website and publishing the biweekly Solar e-Clips online newsletter. Tor has a M.S. and B.S. in Mechanical Engineering from the University of California, Santa Barbara.

Hal Aronson, Ph.D, *Presenter/Educational Development*

Hal develops curriculum on renewable and energy conservation and conducts training seminars for the Solar Schoolhouse program. In this capacity, Hal meets with teachers to ensure energy lessons are integral to school curriculum, and develops appropriate technology resource kits. Hal has been an adjunct professor at San Francisco State University since 1998, where he teaches courses in environmental sociology and social theory. Hal's work as a carpenter in the early 80's led to the design and construction of a passive solar off-grid home for his parents in the Santa Cruz area, providing a hands-on, real world experience that can be brought into the classroom.

Hal holds a Ph.D. in environmental sociology, an M.A. in sociology, a single subject teaching certificate, and a B.A. in politics from the University of California, Santa Cruz.

John Perlin, *author/writer/lecturer*

John is the author of several books including; *From Space to Earth - The Story of Solar Electricity*, *A Golden Thread: 2500 Years of Solar Architecture and Technology*, and *A Forest Journey: The Role of Wood in the Development of Civilization*, in addition to authoring many other articles. John assists in curriculum development, lab design, and in workshop training.

Clay Atchinson, *video development, workshop instructor, curriculum developer*

Clay has a strong knowledge of all aspects of solar design. Clay is the producer of Rahun's new 'Your Solar Home' video, providing animation, directing, writing, scripting, filming, and editing roles. Clay also teaches several solar energy classes at local community colleges.

Rahus –Solar Schoolhouse Contract

This contract between The City of Lodi (hereinafter “Lodi”) and The Rahus Institute (hereinafter “Rahus”) sets forth the terms and conditions under which Rahus will provide the services described herein. Lodi and Rahus agree as follows:

SCOPE OF SERVICES

Rahus agrees to perform a solar energy education program for Lodi in strict conformity with the terms and conditions of this contract. Rahus will provide the following services to Lodi under this agreement:

- Enhance materials and provide additional support
- Science Camp – explore and enhance Lodi Lake for renewable energy education.
- Attend Lead Science Teacher meetings
- Draft and publish Project Highlights
- Enhance LUSD Media Center as distribution center of RE materials/kits.
- Explore connections to Local Science Fair/EarthDay events.
- Work with LUSD to install 3 Solar Electric systems with real-time monitoring
- Sponsor Educators to attend Solar Schoolhouse Summer Institute 2004
- Conduct 2 full day teacher training workshops
- Establish Community Renewable Energy Lecture Series. 4 lectures
- Video Tutorials for Curriculum and lab kits
- Facilitate Teachers energy curriculum working group

TERM OF AGREEMENT

The term of this agreement shall be from July 1, 2004 until June 30, 2005.

ADVERTISING, MARKETING, AND PUBLIC RELATIONS

Lodi and Rahus will share in the responsibility of any marketing and public relations associated with this project.

INSURANCE

Rahus agrees to maintain a \$1,000,000 general liability policy, vehicle liability policy, and workers compensation policy at all times for actions performed under this agreement. Lodi will be named co-insured/additionally insured on all policies.

CONTRACT PRICE AND TERMS

The overall budget for this project is not to exceed **\$55,000** through June 30, 2005. Rahus will be compensated for services rendered within 30 days of completion and final billing. Billing will be on a time and materials basis.

Hourly rates are as such:

Name	Position	Hourly Rate
Tor Allen	President Renewable Energy Specialist	\$85
Hal Aronson	Associate, Renewable Energy Educator (Curriculum development and Workshops)	\$70
John Perlin	Associate, author and RE Educator	\$75
Zach Nobel	Associate, Web Programming & Data Acquisition Systems	\$70
Liz Rush	Associate, Graphics & Web Design	\$75
Dena Allen	Education Specialist (Curriculum development, teacher workshops)	\$65
Clay Atchinson	Associate, Instructor, Graphic Design, Video Specialist	\$65

Budget

Item	Budget
3 Grid tied Solar Electric Systems	15000
Science Fairs - Develop Project Idea booklet	5000
Solar Schoolhouse Summer Institute sponsorships	4,000.00
2 Teacher professional development workshops	8,000.00
Renewable Energy Lecture series: 4 events	8,000.00
Teacher Support: classroom visits, on line, by phone	5,000.00
Curricular and Technology material development	5,000.00
Install Solar Water Fountain + at Lodi Lake Center	1,000.00
Teacher Stipends -solar schoolhouse curriculum k-12 integration/adoption	4,000.00
Total	55000

COMPLIANCE WITH LAWS, PERMITS, AND LICENSES

Rahus shall maintain all applicable permits, licenses, and fees necessary to perform this contract. Rahus will also be responsible to ensure that any and all sub-contractors hired in connection with this contract maintain all applicable permits, licenses, fees, and insurances necessary to perform under the terms and conditions of this contract.

INDEMNITY CLAUSE

Rahus shall indemnify, defend, and hold harmless the City of Lodi, the City of Lodi Electric Utility, it's City Council, directors, officers, agents, and employees against all claims, loss, damage, expense, and liability arising out of or in any way connected with the performance of this contract and excepting only such loss, damage, or liability as may be caused by the intentional acts or sole negligence or the City of Lodi, and the City of Lodi Electric Utility.

AGREED AND ACCEPTED THIS _____ DAY OF _____ 2004

Tor E. Allen
President
The Rahus Institute

Manager, City of Lodi

Attorney, City of Lodi

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE
CITY MANAGER TO ALLOCATE PUBLIC BENEFITS PROGRAM
FUNDS TO EXTEND THE LODI SOLAR SCHOOLHOUSE PROGRAM,
AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE
A CONTRACT WITH THE RAHUS INSTITUTE TO ASSIST IN
ADMINISTERING ELEMENTS OF THIS PROGRAM

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WHEREAS, the state has mandated that beginning January 1, 1998, the City of Lodi is obligated to fund various programs through a Public Benefits Charge (PBC) based on a historical electric revenue requirement; and

WHEREAS, the requirement amounts to approximately \$1M per year that must be dedicated to qualifying programs such as energy efficiency. A further stipulation is that these efforts must be done on the customer's side of the meter in order to qualify; and

WHEREAS, the City of Lodi's Public Benefits Program is comprised of four segments or customer groups: commercial/industrial, residential, community/non-profit, and municipal; and

WHEREAS, for the past two years, the City of Lodi Electric Utility has maintained a solar education outreach program utilizing Public Benefit funds; and

WHEREAS, staff proposes to extend the Lodi Solar Schoolhouse Program in fiscal year 2004-2005; and

WHEREAS, in conjunction with The Rarus Institute and the City of Lodi Electric Utility will provide a variety of solar energy projects for school-aged children throughout the community. Some of the projects will include:

- Teacher Workshops- training for science and non-science teachers regarding solar power, solar technology and solar experiments;
- 2nd Annual Solar Schoolhouse Olympics- a day long event, whereby students in grades 5 through 12 create various solar projects that demonstrate solar technology, and compete for prizes;
- Renewable Energy Lecture Series- numerous workshops and presentations regarding new and emerging renewable energy resources will be provided to school teachers at both private and public schools within Lodi's city limits (or within Lodi Unified School District jurisdiction);
- Material Development- new and additional solar-related materials will be generated for distribution to students, as well as educators.

WHEREAS, the intent of the *Lodi Solar Schoolhouse* is to showcase renewable energy resources to students and teachers. As we rapidly deplete our reserves of natural resources (such oil, coal and natural gas) around the world, our dependence on energy supplies will most likely shift to new and emerging technologies, including: solar, wind, hydrogen fuel cells, and others. Staff is targeting elementary, middle and high school students in hopes of introducing young people to these important technologies, *before* the earth's precious natural resources are fully consumed.

WHEREAS, the Rahus Institute has been partnering with the City of Lodi Electric Utility on solar-related projects for the past two years and staff recommends the extension of this project, and the contract with The Rahus Institute for the upcoming fiscal year; and

WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, due to the business relationship established between the City of Lodi and The Rahus Institute, Electric Utility respectfully requests that the Lodi City Council dispense with going out to bid pursuant to Lodi Municipal Code 3.20.070.

WHEREAS, Electric Utility staff respectfully recommends approval of the *Lodi Solar Schoolhouse Program* as a qualifying component of the City of Lodi Public Benefits Program.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager to allocate Public Benefits Program funds in the amount of \$55,000.00 to fund the Lodi Solar Schoolhouse Program; and

BE IT FURTHER RESOLED, that the City Manager is hereby authorized to execute a contract with The Rahus Institute to assist in administering elements of this program.

Dated: June 16, 2004

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I hereby certify that Resolution No. 2004-____ was passed and adopted by the Lodi City Council in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt a resolution authorizing the City Manager to allocate Public Benefit Program funds for Lodi's first annual *Electronic Waste Clean-Up Day*; and authorizing the City Manager to execute a contract with Teris LLC/MSE Environmental to provide disposal and recycling services for this program (\$25,000)

MEETING DATE: June 16, 2004

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to allocate \$25,000 in Public Benefit Program funds for Lodi's first annual *Electronic Waste Clean-Up Day*; and authorizing the City Manager to execute a contract with Teris LLC/MSE Environmental to provide disposal and recycling service for this program.

BACKGROUND INFORMATION: The *Electronic Waste Clean-Up Day* is another in our series environmental programs funded Lodi's Public Benefits Program. The intent of this new effort is to assist Lodi electric utility customers with the proper disposal and recycling of aging and energy *inefficient* computer monitors, computer hardware and television sets. The program is also designed to showcase and promote the purchase of EnergyStar® computers and television sets. The program specifics include the following:

- the event will take place on Saturday, August 14, 2004, 7:00am until 10:00am;
- the location of the event will be the Public Parking lot *adjacent* to the Kofu Park Tennis Courts on Ham Lane (in close proximity to Lodi's Municipal Service Center);
- eligible customers- in order to drop-off an old computer and/or television set for disposal and recycling, customers must show a current California drivers license, as well as a copy of their City of Lodi utility bill or statement;
- computer software, television antennas, cable boxes, and cardboard boxes will not be accepted for disposal or recycling;
- upon the disposal of their computer and/or television set, the first one-hundred fifty (150) eligible customers will receive a coupon for \$50.00 off the purchase of one (1) EnergyStar® computer system or television set; the energy efficient home electronics product must be purchased from a Lodi retailer.

In order to successfully complete this project, Electric Utility staff is recommending the use of Teris LLC/MSE Environmental. This organization completed a similar recycling project in the spring of 2004 for San Joaquin County's Public Works Department, and has coordinated numerous household hazardous waste recycling projects for municipalities throughout central and northern California. Teris LLC/MSE

APPROVED: _____
H. Dixon Flynn, City Manager

Adopt a resolution authorizing the City Manager to allocate Public Benefit Program funds for Lodi's first annual *Electronic Waste Clean-Up Day*; and authorizing the City Manager to execute a contract with Teris LLC/MSE Environmental to provide disposal and recycling services for this program (\$25,000) (EUD)

June 16, 2004

Page 2 of 2

Environmental is considered a leader in the recycling industry in the United States, and maintains three field offices in California (Benicia, Camarillo and Wilmington). *Due to their extensive background and work with municipal agencies in California, Electric Utility staff respectfully requests that the Lodi City Council dispense with going out to bid pursuant to Lodi Municipal Code 3.20.070.*

This project, which promotes energy conservation, also assists customers with the disposal and proper recycling of aging home electronics products. *(Note: in discussing our proposed project with staff from other City departments, as well as San Joaquin County Public Works personnel, many of these aging computers, monitors and television sets are illegally dumped in alley ways, residential neighborhoods, behind shopping centers and stores, etc., rather than being properly discarded.)*

Electric Utility staff respectfully recommends approval of the *Electronic Waste Clean-Up Day* as a qualifying component of the City of Lodi Public Benefits Program.

FUNDING: 164605 Public Benefits Program (Category: Demand-side Management)

Funding Approval:

Jim Krueger, Finance Director

Alan N. Vallow
Electric Utility Director

PREPARED BY: Rob Lechner, Manager of Customer Service & Programs

ANV/RL/ke

cc: R. Lechner

AGREEMENT OF TERMS AND CONDITIONS FOR ELECTRONIC WASTE SERVICES

This Agreement, made and entered into as of the _____ day of May, 2004 by and between the City of Lodi, CA, hereinafter referred to as "Customer," and Teris LLC, dba MSE Environmental, 880 West Verdulera Street, Camarillo, California, hereinafter referred to as "MSE".

WITNESSETH:

WHEREAS, Customer has Electronic Waste, hereinafter referred to as "E-waste", and wishes the E-Waste to be packaged, transported and properly disposed;

WHEREAS, MSE is willing to accept certain types of Customer's E-waste and/or ensure that it is properly packaged, transported and/or disposed of according to the terms and conditions herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1.0 E-WASTE SERVICES

MSE shall ensure legal servicing, treatment and/or disposal of such types of E-waste listed on the attached Schedule "A" as requested by Customer. Schedule A may be modified if required by the parties' joint execution of an amendment. Services to be provided may include packaging, supplies, transportation, disposal, of E-waste materials and additional services as requested by Customer.

2.0 TRANSPORTATION

2.1 MSE shall be responsible for providing suitable means to transport the E-waste.

2.2 MSE shall prepare all shipping papers, manifest, and labels with each shipment of E-waste in accordance with all applicable requirements of the United States Department of Transportation ("DOT") and the United States Environmental Protection Agency ("EPA") under the Toxic Substances Control Act ("TSCA"), the Resource Conservation and Recovery Act ("RCRA"), and all other Federal, State and local statutes, regulations and ordinances.

2.3 MSE or MSE's contracted transporter shall maintain in force and require all carriers it engages to carry vehicular liability insurance equivalent to that specified in Section 9.0 of this Agreement and shall, upon request, provide the other party with certificates of insurance evidencing such coverages.

2.4 Customer will provide satisfactory area, roadways and approaches to safely conduct mobile E-waste collection event.

3.0 RESPONSIBILITIES

3.1 MSE shall mobilize all manpower, equipment, materials and technical services required to perform mobile E-waste collection event.

3.2 MSE shall arrive on-site prior to collection hours and perform site set-up.

3.3 MSE shall unload, package, transport and dispose of E-waste collected from participant vehicles.

3.4 MSE shall demobilize after event completion and leave site clean.

3.5 MSE shall provide project summary and document after completion of project.

4.0 WARRANTIES

4.1 MSE warrants that its services performed under this Agreement shall comply with all requirements of federal, state and local laws, regulations, and ordinances.

4.2 MSE warrants that all permits, licenses, authorizations, and approvals required for transportation of the E-waste by federal, state and local laws, regulations, and ordinances shall be in effect at the time of transportation.

4.3 MSE warrants that the containers MSE supplies comply with all laws, regulations or ordinances which may be applicable to their packaging or transportation, including, but not limited to DOT regulations. Customer warrants that E-waste for disposal will be packaged in MSE supplied containers that meet above requirements.

5.0 INDEMNIFICATION AND SUBROGATION

5.1 MSE agrees to indemnify, hold harmless and defend Customer, its officers, directors, shareholders, agents, employees and affiliates, from any and all liabilities, claims, penalties, forfeitures, suits and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorneys' fees) which Customer may hereafter incur, become responsible for or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation of governmental laws, regulations or orders, to the extent that such damage was caused by

- (i) MSE's breach of any term or provision of this Agreement;
- (ii) the failure of any warranty of MSE to be true, accurate and complete; or
- (iii) any negligent, intentional or willful act or omission of MSE or its employees, subcontractors or agents.

5.2 Customer agrees to indemnify, hold harmless and defend MSE, its officers, directors, shareholders, agents, employees and affiliates, from any and all liabilities, claims, penalties, forfeitures, suits and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorneys' fees) which MSE may hereafter incur, become responsible

for or pay out as a result of death or bodily injury to any person, destruction or damage to any property, contamination of or adverse effects on the environment, or any violation of governmental laws, regulations or orders, to the extent that such damage was caused by

- (iv) Customer's breach of any term or provision of this Agreement;
- (v) the failure of any warranty of Customer to be true, accurate and complete; or
- (vi) any negligent, intentional or willful act or omission of Customer or its employees, subcontractors or agents.

5.3 With respect to any claim for indemnification, the party claiming a right to indemnity shall:

- (i) give written notice of the claim within a reasonable period following the event or occurrence and identify the basis of the indemnification asserted; and
- (ii) allow the other party (including its employees, agents, insurers and counsel) reasonable access to any of its employees, property and records for the purpose of conducting an investigation of such claim and for the purpose of obtaining statements, photographs, physical evidence and chemical analyses and taking such other steps as may be necessary to preserve evidence of the event or occurrence on which the claim is based. If the party claiming a right to indemnity denies the other party reasonable access as set forth above, the party claiming such right shall forfeit that right and assume sole responsibility for the claim for which indemnification is sought and shall not be entitled to indemnity.

5.4 MSE agrees to indemnify, save harmless and defend Customer from and against any and all liabilities, claims, penalties, forfeitures, suits and the costs and expenses incident thereto (including costs of defense, settlement, and reasonable attorneys' fees), which it may hereafter incur, become responsible for or pay out as a result of any violation by MSE in its transportation, treatment, storage or disposal of the E-waste listed on the Schedule A and/or Quotation, including, but not limited to, violations resulting from the intentional or negligent act or omission of MSE, its officers, employees, agents, and/or contractors.

6.0 CHARGES AND FEES

6.1 MSE's charges for its services pursuant to this Agreement are set forth in Schedule "A".

6.2 When possible, MSE shall weigh all containers including drums, lab packs, etc., prior to transporting and record the weight on shipping documents. Invoices will be based upon the containerized pricing as provided in Schedule "A".

7.0 PAYMENT

Each invoice for E-waste received by MSE and/or services provided to Customer shall be paid, net terms, by Customer within thirty (30) days from Customer's receipt of invoice. Invoices not paid when due shall accrue interest at the rate of one percent (1 %) per month from the due date.

8.0 TERM

8.1 This Agreement shall commence on the date first above written and shall continue in full force and effect until December 31, 2004.

8.2 This agreement may be terminated at any time by either party providing the other party with at least thirty (30) days prior written notice of termination. Should this agreement be terminated by either party, MSE shall be responsible for removing any and all equipment and/or materials associated with this agreement and collected during the course of performing E-waste collections at Lodi, CA. Customer shall be responsible for payment of fees for final services as listed in Schedule "A".

9.0 INSURANCE

MSE shall have in effect and shall maintain for the term of this Agreement the following insurance:

<u>TYPE OF INSURANCE</u>	<u>MINIMUM POLICY LIMITS</u>
Worker's Compensation	\$2,000,000 per occurrence
Automobile Liability	\$2,000,000 combined single limit
General Liability	\$2,000,000 per occurrence
	\$4,000,000 aggregate
Pollution Liability	\$25,000,000 limit

MSE shall provide notice to Customer of any changes in coverage limits and will provide certificates of insurance upon request.

10.0 GENERAL PROVISIONS

10.1 In the performance of this Agreement, MSE is an independent contractor.

10.2 Each party grants the other, its agents and employees, during the term of this Agreement, reasonable access to the other party's facilities for purposes of fulfilling obligations under this Agreement. Each party agrees to comply with reasonable safety standards adopted by the other while on the other's premises. Each party further agrees to protect and hold confidential technologies observed while on the other's premises. MSE agrees to protect and hold confidential all non-public data on E-waste received from Customer, unless legal or regulatory requirements mandate disclosure. MSE and Customer agree to protect and hold confidential all non-public information concerning the other party's business, operations, technologies, formulas, procedures, processes, methods, trade secrets, ideas, improvements, plans, programs, plants, equipment or customers.

10.3 This Agreement constitutes the entire Agreement between MSE and Customer, and all previous representations relative thereto, either written or oral, are hereby annulled and superseded. No modification shall be binding on MSE or Customer unless in writing and signed by both parties.

11.0 DEFAULTS

11.1 Except as provided in Section 11.2 herein, if, during the term of the Agreement, either party shall become delinquent in settling its account or shall be in default of any provisions of the Agreement, the other party may suspend its performance hereunder until such delinquency or default has been corrected.

11.2 Any delay or failure of either party in the performance of its required obligations hereunder shall be excused if and to the extent caused by acts of God, strikes, action of regulatory agencies, fire, flood, windstorm, explosion, riot, war, sabotage, court injunction or order, loss of permits, and cause or causes beyond the reasonable control of the party affected provided that a prompt notice of such delay is given by such party to the other and each of the parties hereto shall be diligent in attempting to remove such cause or causes. Performance hereunder shall be suspended only for the amount of time reasonably necessary to remove such cause or causes which result in the delay.

12.0 NOTICE

Any notice required to be given by the terms of this Agreement shall be delivered by hand or mailed to at the following; or to such other address for either party as that party may, by notice, designate.

Teris LLC, dba MSE Environmental.
880 West Verdulera Street
Camarillo, CA 93010

CITY OF LODI
1331 South Ham Lane
Lodi, CA 95242

IN WITNESS WHEREOF, MSE and Customer have each caused this agreement to be executed by its duly authorized representative on the day and year set forth.

ACCEPTED:

ACCEPTED:

Teris, LLC dba MSE Environmental

City of Lodi

Janice K. Oldemeyer, Vice President

Manager, City of Lodi

DATE _____

DATE _____

Attorney, City of Lodi

SEAL OF CITY LODI CLERK

SCHEDULE "A" COST SHEET

The following pricing details specific prices for the various types of wastes and services that MSE will provide to the City. This pricing includes labor, equipment, supplies, transportation and disposal.

Category	Cost per unit
Televisions	12.50/each
Computer Monitors	10.50/each
Computer Peripherals (printers, scanners, mice, speakers)	\$0.14/lb
Computer Processing Units	\$0.14/lb
Mobilization Fee (includes all labor, equipment & supplies)	\$5,000

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY
MANAGER TO ALLOCATE PUBLIC BENEFITS PROGRAM FUNDS FOR
THE ELECTRONIC WASTE CLEAN-UP DAY, AND FURTHER
AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH
THE TERIS LLC/MSE ENVIRONMENTAL TO PROVIDE DISPOSAL AND
RECYCLING SERVICES FOR THIS PROGRAM

=====

WHEREAS, the state has mandated that beginning January 1, 1998, the City of Lodi is obligated to fund various programs through a Public Benefits Charge (PBC) based on a historical electric revenue requirement; and

WHEREAS, the requirement amounts to approximately \$1M per year that must be dedicated to qualifying programs such as energy efficiency. A further stipulation is that these efforts must be done on the customer's side of the meter in order to qualify; and

WHEREAS, the City of Lodi's Public Benefits Program is comprised of four segments or customer groups: commercial/industrial, residential, community/non-profit, and municipal; and

The *Electronic Waste Clean-Up Day* is another in the series of environmental programs funded through the City of Lodi's Public Benefits Program. The intent of this new effort is to assist Lodi electric utility customers with the proper disposal and recycling of aging and energy inefficient computer monitors, computer hardware and television sets. The program is also designed to showcase and promote the purchase of EnergyStar ® computers and television sets. The program specifics include the following:

- the event will take place on Saturday, August 14, 2004, 7:00 a.m. until 10:00 a.m.;
- the location of the event will be the Public Parking lot *adjacent* to the Kofu Park Tennis Courts on Ham Lane (in close proximity to Lodi's Municipal Service Center);
- eligible customers- in order to drop-off an old computer and/or television set for disposal and recycling, customers must show a current California drivers license, as well as a copy of their City of Lodi utility bill or statement;
- computer software, television antennas, cable boxes, and cardboard boxes will not be accepted for disposal or recycling;
- upon the disposal of their computer and/or television set, the first one-hundred fifty (150) eligible customers will receive a coupon for \$50.00 off the purchase of one (1) EnergyStar ® computer system or television set; the energy efficient home electronics product must be purchased from a Lodi retailer.

WHEREAS, in order to successfully complete this project, Electric Utility staff is recommending the use of Teris LLC/MSE Environmental. This organization completed a similar recycling project in the spring of 2004 for San Joaquin County's Public Works Department, and has coordinated numerous household hazardous waste recycling projects for municipalities throughout central and northern California; and

WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, Teris LLC/MSE Environmental is considered a leader in the recycling industry in the United States, and maintains three field offices in California (Benicia, Camarillo and Wilmington). Due to their extensive background and work with municipal agencies in California, Electric Utility staff respectfully requests that the Lodi City Council dispense with going out to bid pursuant to Lodi Municipal Code 3.20.070; and

WHEREAS, this project, which promotes energy conservation, also assists customers with the disposal and proper recycling of aging home electronics products; and

WHEREAS, Electric Utility staff respectfully recommends approval of the *Electronic Waste Clean-Up Day* as a qualifying component of the City of Lodi Public Benefits Program.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the City Manager to allocate Public Benefits Program funds for Lodi's first annual Electronic Waste Clean-up Day in the amount of \$25,000.00; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute a contract with Teris LLC/MSE Environmental to provide disposal and recycling services for this program.

Dated: June 16, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing Renewal of IBM Operating System Software for AS400 from Logical Design, Inc., of Rancho Cordova, CA (\$29,200.25)

MEETING DATE: June 16, 2004

PREPARED BY: Information Systems Manager

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the renewal of the operating system software for the City's IBM AS400 computer from Logical Design, Inc., of Rancho Cordova, CA, in the amount of (\$29,200.25).

BACKGROUND INFORMATION: The heart of any computer is its operating system. It is the foundational software, upon which all other applications and utilities operate. A computer cannot operate without an operating system.

The City's IBM AS400 computer operating system is licensed annually through IBM.

Logical Design, Inc. is the IBM vendor/partner assigned to handle the City's account. Prices are standard and there would be no savings to the City by buying directly from IBM or from another IBM vendor/partner. Accordingly, staff is recommending selection of Logical Design, Inc. for the software license purchase in the amount of (\$29,200.25)

There is no alternative to renewing the software license so long as the City uses the IBM AS400 computer.

This item has been budgeted.

FUNDING: ISD DATA PROCESSING SOFTWARE – 100412.7313 (\$29,200.25)

James R. Krueger, Finance Director

Steve Mann
Information Systems Manager

SM

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
AUTHORIZING RENEWAL OF IBM OPERATING
SYSTEM SOFTWARE FOR AS400

=====

WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, the City's IBM AS400 computer operating system is licensed annually through IBM; and

WHEREAS, staff recommends that the City Council authorize the renewal of the operating system software license for the City's IBM AS400 computer from Logical Design, Inc., of Rancho Cordova, CA, in the amount of \$29,200.25; and

WHEREAS, the heart of any computer is its operating system. It is the foundational software, upon which all other applications and utilities operate. A computer cannot operate without an operating system; and

WHEREAS, Logical Design, Inc. is the IBM vendor/partner assigned to handle the City's account. Prices are standard and there would be no savings to the City by buying directly from IBM or from another IBM vendor/partner; and

WHEREAS, there is no alternative to renewing the software license so long as the City uses the IBM AS400 computer.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the renewal of IBM Operating System Software for AS400 from Logical Design, Inc., of Rancho Cordova, California in the amount of \$29,200.25.

Dated: June 16, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Set Public Hearing for July 21, 2004 to Consider Adoption of the Amended Impact Mitigation Fee for Streets and Roads and Amended Exhibits I and J of the Development Impact Fee Update Study, October 2001

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council set a public hearing for July 21, 2004 to consider adoption of the amended Impact Mitigation Fee for Streets and Roads and amended Exhibits I and J of the Development Impact Fee Update Study, October 2001.

BACKGROUND INFORMATION: City Council adopted Resolution 2001-242 amending Development Impact Mitigation Fees for all developments within the City on October 17, 2001. The report, "Development Impact Fee Update Study", prepared by Harris & Associates, was benchmarked to June 30, 1999 for determining future IMF program capital expenditures. The fees set by Resolution 2001-242 included an adjustment to January 1, 2001 using the ENR Twenty Cities Construction Cost Index. Subsequently, all IMF fees have been adjusted using that ENR index on January 1, 2002, January 1, 2003, and January 1, 2004.

In the report, "Development Impact Fee Update Study", one facility cost in the Streets and Road category was inadvertently excluded from the listing of program costs shown in Exhibit I of the report. The program cost not included was the fair share cost assigned to new development for street and road facilities constructed prior to 1991 with excess capacity to serve new development. The revised Exhibit I is attached and the added facility cost is shown in bold on Page 3.

As of June 30, 1999, the total cost of all street and road facility projects should have been \$20,393,443. Subtracting from that the fund balance on June 30, 1999 of \$1,937,111 leaves a Streets and Road funding requirement of \$18,456,332. Therefore, the calculation of the updated fee should have set the base fee for low density residential development at \$8,139 per acre of development, an increase of 6.85%. The suite of Streets and Road Fees (as of June 30, 1999) is provided in revised Exhibit J of the report, "Development Impact Fee Update Study" and serves to amend the report. Exhibit One presents the listing of Streets and Road Fees for the Council to adopt by resolution that have been adjusted using the ENR index for the period of June 30, 1999 to January 1, 2004.

FUNDING: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by F. Wally Sandelin, City Engineer
RCP/FWS/pmf
Attachments

APPROVED: _____
H. Dixon Flynn, City Manager

EXHIBIT "I" (PAGE 1 OF 3)
(Project Cost as of June 30, 1999)
(Revised July 21, 2004)

Streets/Roads/Traffic Projects
City of Lodi Capital Improvement Program

<u>Project #</u>	<u>Title</u>	<u>Status</u>	<u>Projected Cost</u>
MTSI 001	Kettleman Lane Restriping - Lower Sac. Rd. to Ham Ln.	Open	\$ 55,000
MTSI 002	Kettleman Lane Restriping - Ham Ln. to Stockton St.	Open	\$ 55,000
MTSI 003	Kettleman Lane Restriping - Stockton St. to Cherokee Ln.	Open	\$ 29,000
MTSI 004	Kettleman Lane / State Rte. 99 Interchange	Open	\$ 4,921,000
MTSI 005	Kettleman Lane Widening - Phase 2	Open	\$ 771,000
MTSI 006	Lower Sacramento Rd. Widening from Turner Rd. to Lodi Ave.	Open	\$ 361,000
MTSI 007	Lower Sacramento Rd. Widening from Lodi Ave. to Taylor Rd.	Open	\$ 253,000
MTSI 008	Lower Sacramento Rd. Widening from Taylor Rd. to Kettleman Ln.	Open	\$ 288,000
MTSI 009	Lower Sacramento Rd. Widening from Kettleman Ln. to Orchis Dr.	Open	\$ 299,000
MTSI 010	Lower Sacramento Rd. Widening from Orchis Dr. to Century Blvd.	Open	\$ 247,000
MTSI 011	Lower Sacramento Rd. Widening from Century Blvd. To Kristen Ct.	Open	\$ 381,000
MTSI 012	Lower Sacramento Rd. Widening from Kristen Ct. to Harney Lane	Open	\$ 165,000
MTSI 013	Harney Lane Widening from Lower Sacramento Road to Mills	Open	\$ 457,000
MTSI 014	Harney Lane Widening from WID Crossing to Lower Sacramento Road	Open	\$ 292,000
MTSI 015	Harney Lane Widening from WID Crossing to Hutchins Street	Open	\$ 149,000
MTSI 016	Harney Lane Widening from Hutchins St. to Stockton St.	Open	\$ 215,000
MTSI 017	Harney Lane Widening from Stockton St. to Cherokee Lane	Open	\$ 248,000
MTSI 018	Harney Lane Widening from Lower Sacramento Rd. to west City boundary	Open	\$ 303,000
MTSI 019	Project Study Report	Completed	\$ -
MTSI 020	SR 99 at Turner Road - Interchange Improvements	Open	\$ 1,907,000
MTSI 021	Lodi Avenue Restriping	Open	\$ 31,000
MTSI 022	Lodi Avenue Construction	Completed	\$ -
MTSI 023	Turner Road Restriping	Not In Program	\$ -
MTSI 024	Turner Road Construction	Open	\$ 34,000
MTSI 025	Century Boulevard Widening	Open	\$ 113,000
MTSI 026	Century Boulevard Construction	Completed	\$ -
MTSI 027	Stockton Street Widening	Partially Completed	\$ 73,000
MTSI 028	Guild Avenue Construction	Partially Completed	\$ 487,000
MTSI 029	Turner Road Widening	Completed	\$ -
MTSI 030	Lodi Avenue Widening	Partially Completed	\$ 131,000
MTSI 031	Kettleman Lane Widening	Open	\$ 153,000

EXHIBIT "I" (PAGE 2 OF 3)
(Project Cost as of June 30, 1999)
(Revised July 21, 2004)

Streets/Roads/Traffic Projects
City of Lodi Capital Improvement Program

<u>Project #</u>	<u>Title</u>	<u>Status</u>	<u>Projected Cost</u>
MTSI 032	Lockford Street Widening	Open	\$ 1,645,000
MTSI 033	Victor Road - SR 99 tp CCT Railroad Co.	Open	\$ 444,000
MTSO 001	Master Traffic System - Traffic System Master Plan 1987	Completed	\$ -
MTSO 002	Master Traffic System - Traffic System Master Plan 2001	Open	\$ 26,000
MTSO 003	Master Traffic System - Five Year CIP Update 2010	Open	\$ 26,000
MTSO 004	Public Works Admin. Building Expansion [1]	Open	\$ 322,000
MTSO 005	Public Works Storage Facility [1]	Open	\$ 162,000
MTSO 006	Public Works Garage/Wash Facility [1]	Open	\$ 288,000
MTS 001	Traffic Signal @ Turner Road & Lower Sacramento Road	Partially Completed	\$ 47,000
MTS 002	Traffic Signal @ Turner Road & SR 99 Southbound Ramp	Open	\$ 123,000
MTS 003	Traffic Signal @ Victor Road & Cluff Avenue	Completed	\$ -
MTS 004	Traffic Signal @ Lodi Avenue & Lower Sacramento Road	Partially Completed	\$ 48,500
MTS 005	Traffic Signal @ Lodi Avenue & Mills Avenue	Open	\$ 62,000
MTS 006	Traffic Signal @ Lower Sacramento Road & Vine Street	Completed	\$ -
MTS 007	Traffic Signal @ Kettleman Lane & Mills Avenue	Completed	\$ -
MTS 008	Traffic Signal @ Kettleman Lane & SR 99 Southbound Ramp	Completed	\$ -
MTS 009	Traffic Signal @ Kettleman Lane & Beckman Road	Completed	\$ -
MTS 010	Traffic Signal @ Lower Sacramento Road & Harney Lane	Open	\$ 124,000
MTS 011	Traffic Signal @ Harney Lane & Mills Avenue	Open	\$ 117,000
MTS 012	Traffic Signal @ Harney Lane & Ham Lane	Open	\$ 117,000
MTS 013	Traffic Signal @ Harney Lane & Stockton Street	Open	\$ 58,500
MTS 014	Traffic Signal @ Elm Street & Lower Sacramento Road	Partially Completed	\$ 64,000
MTS 015	Traffic Signal @ Lockeford Street & Stockton Street	Open	\$ 58,500
MTS 016	Traffic Signal @ Turner Road & Stockton Street	Completed	\$ -
MTS 017	Traffic Signal @ Pine Street & Stockton Street	Open	\$ 58,500
MTS 018	Traffic Signal @ Turner Road & Mills Avenue	Completed	\$ -
MTS 019	Traffic Signal @ Turner Road & Edgewood	Open	\$ 58,500
MTS 020	Traffic Signal @ Kettleman Lane & Central Avenue	Completed	\$ -
MTS 021	Traffic Signal @ Elm Street & Mills Avenue	Open	\$ 58,500
MTS 022	Traffic Signal @ Cherokee Lane & Vine Street	Open	\$ 68,500
MTS 023	Traffic Signal @ Ham Lane & Century Boulevard	Open	\$ 62,000
MTS 024	Traffic Signal @ Cherokee Lane & Elm Street	Open	\$ 68,500
MTS 025	Traffic Signal @ Lower Sacramnto Rd & Tokay	Open	\$ 162,000
MTS 026	Traffic Signal @ Lower Sacramnto Rd & Kettleman Lane	Open	\$ 259,000

EXHIBIT "I" (PAGE 3 OF 3)
(Project Cost as of June 30, 1999)
(Revised July 21, 2004)

Streets/Roads/Traffic Projects
City of Lodi Capital Improvement Program

<u>Project #</u>	<u>Title</u>	<u>Status</u>	<u>Projected Cost</u>
[1] Funding shared equally by Water, Sewer and Streets programs.			
MBC 001	Box Culvert - WID Canal, Lower Sacramento Road, South of Lodi Ave.	Open	\$ 316,000
MBC 002	Box Culvert - WID Canal, Turner Road, South of Lodi Avenue	Open	\$ 97,500
MBC 003	Box Culvert - WID Canal, Mills Avenue, South of Vine Street	Completed	\$ -
MBC 004	Box Culvert - WID Canal, Harney Lane, West of Hutchins Street	Open	\$ 280,000
MRRX 001	RR Crossing - Lower Sacramento Road, North of Turner Road	Open	\$ 114,000
MRRX 004	RR Crossing -Guild Avenue, intersection of Guild Ave. & Lockeford St.	Open	\$ 228,000
MRRX 005	RR Crossing - Victor Rd., CCT RR Co, East of Guild Ave.	Open	\$ 248,000
MRRX 006	RR Crossing - Beckman Road, intersection of Beckman & Lodi Avenue	Open	\$ 253,000
MRRX 007	RR Crossing -Guild Avenue, intersection of Guild Ave. & Lodi Avenue	Open	\$ 233,000
MRRX 008	RR Crossing - Cluff Avenue, intersection of Cluff & Thurman St.	Completed	\$ -
MRRX 009	RR Crossing - Kettleman Lane, East of Guild Avenue	Open	\$ 254,000
MRRX 010	RR Crossing - Harney Lane, East of Hutchins Street	Open	\$ 241,000
New Development Share of Existing Facilities		Partially Completed	\$ 1,182,943
Total Project Costs =			\$ 20,393,443

Note: Open Projects are those that have not yet been undertaken

EXHIBIT "J"
SUMMARY OF DEVELOPMENT IMPACT FEES
STREETS/ROADS/TRAFFIC
(As of June 30, 1999)
(Revised July 21, 2004)

LAND USE CATEGORIES	Unit	RAE	Fee
<u>RESIDENTIAL</u>			
Low Density	Acre	1.00	\$8,139
Medium Density	Acre	1.96	\$15,953
High Density	Acre	3.05	\$24,824
<u>PLANNED RESIDENTIAL</u>			
Low Density	Acre	1.00	\$8,139
Medium Density	Acre	1.96	\$15,953
High Density	Acre	3.05	\$24,824
<u>COMMERCIAL</u>			
Retail Commercial	Acre	2.08	\$16,929
Office Commercial	Acre	3.27	\$26,615
<u>INDUSTRIAL</u>			
Light Industrial	Acre	2.00	\$16,278
Heavy Industrial	Acre	1.27	\$10,337

Source: City of Lodi, Public Works Department

Exhibit One
Development Impact Mitigation Fees
Streets and Roads
(as of January 1, 2004)

LAND USE CATEGORIES	Unit	RAE	Fee
<u>RESIDENTIAL</u>			
Low Density	Acre	1.00	\$9,142
Medium Density	Acre	1.96	\$17,920
High Density	Acre	3.05	\$27,884
<u>PLANNED RESIDENTIAL</u>			
Low Density	Acre	1.00	\$9,142
Medium Density	Acre	1.96	\$17,920
High Density	Acre	3.05	\$27,884
<u>COMMERCIAL</u>			
Retail Commercial	Acre	2.08	\$19,016
Office Commercial	Acre	3.27	\$29,896
<u>INDUSTRIAL</u>			
Light Industrial	Acre	2.00	\$18,285
Heavy Industrial	Acre	1.27	\$11,611

Source: City of Lodi, Public Works Department

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Denial of Verified Claim(s) against the City of Lodi

MEETING DATE: June 16, 2004

PREPARED BY: Risk Management

RECOMMENDED ACTION: To approve by motion action, denial of the following verified Claim(s) filed against the City of Lodi.

(A) Lehman Brothers by Helen Duncan, Esq. DOL: 2000-2004

(B) James L. Byard, Ph.D. DOL: November 2003

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, it is recommended the City deny the subject claim(s).

FUNDING: None Required

Kirk Evans, Risk Manager

cc: Interim City Attorney

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to the Lodi Arts Commission, Library Board of Trustees, and Planning Commission

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, concur with the Mayor's recommended appointments to the Lodi Arts Commission, Library Board of Trustees, and the Planning Commission.

BACKGROUND INFORMATION: As indicated below, the City Clerk's office was directed to post for the expiring terms and vacancies on the Lodi Arts Commission, Library Board of Trustees, and the Planning Commission. It is recommended that the City Council concur with the following appointments.

Lodi Arts Commission

Laura Heinitz Term to expire July 1, 2007 (*posting of vacancy ordered 4/21/04*)
Margie Lawson Term to expire July 1, 2007 (*posting of vacancy ordered 4/21/04*)

*NOTE: Six applicants (one seeking reappointment and five applications on file);
published in Lodi News-Sentinel 4/24/04;
application deadline 5/24/04*

Library Board of Trustees

Cynthia Neely Term to expire June 30, 2007 (*posting of vacancy ordered 4/21/04*)
Ken Vogel Term to expire June 30, 2007 (*posting of vacancy ordered 4/21/04*)

*NOTE: Five applicants (two new applications and three on file);
published in Lodi News-Sentinel 4/24/04;
application deadline 5/24/04*

Planning Commission

Eduardo Aguirre Term to expire June 30, 2008 (*posting of vacancy ordered 4/21/04*)
Dennis White Term to expire June 30, 2008 (*posting of vacancy ordered 4/21/04*)

*NOTE: 12 applicants (2 seeking reappointment, 5 new applications, and 5 on file);
published in Lodi News-Sentinel 4/24/04;
application deadline 5/24/04*

FUNDING: None required.

Susan J. Blackston, City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Monthly Protocol Account Report

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required, information only.

BACKGROUND INFORMATION: The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through May 31, 2004.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/jmp

Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

PROTOCOL ACCOUNT SUMMARY
Cumulative Report
July 1, 2003 through May 31, 2004

Date	Vendor	Description	Amount	Balance
				Starting Bal. \$18,000.
07-14-03	Baudeville	Envelopes, program paper, invitations, seals, for #400 8-21-03 Boards & Commissions Reception	292.79	
07-28-03	Carrot Top	#250 U.S. Flags – handouts for student tours	112.50	
07-29-03	Guiffra's	Linen rental for 7-26-03 CVW Auction Dinner	34.00	
08-05-03	Finance Dept.	60 grape stickers for young student tours	32.40	
08-07-03	Tuxedos of Lodi	Shirt, bow tie, cummerbund rentals x 6 (for 7-26-03 CVW Boy & Girls Club Dinner)	45.00	
08-07-03	Janet Hamilton reimbursement	Decorations (for 7-26-03 CVW Boy & Girls Club Dinner)	185.28	
08-18-03	Guiffra's Party Rentals	Linen rental (for 8-16-03 General Mills Boy & Girls Club Dinner)	43.48	
08-18-03	Tuxedos of Lodi	Shirt, bow tie, cummerbund rentals x 6 (for 8-16-03 General Mills Boy & Girls Club Dinner)	45.00	
08-21-03	Smart Foods	Flower decorations (for City Volunteer Reception 8-21-03)	49.53	
08-21-03	Longs	Candy (for City Volunteer Reception 8-21-03)	34.50	
08-21-03	Wine & Roses	Food, beverage, room charge (for City Volunteer Reception 8-21-03) Note: Deposit \$263.99 pd on 5-8-03	5,200.25	
10-28-03	Black Tie Gourmet	Catering services for 12-03 City Council Reorganization Reception	1,000.00	
11-12-03	Staples	Paper for #650 invitations to the 12-19 Employee Recognition Holiday Recept.	75.27	
11-17-03	Lasting Impressions	Outgoing Mayor Gift	70.58	
11-20-03	Lasting Impressions	2 community service awards and update of perpetual plaques	99.72	

12-17-03 City Council Meeting				Council decreased Protocol Acct. by \$3,000
12-19-03	Travis Café	Catering services for 12-19 Holiday Reception City Empl. Appreciation	1,090.97	
12-19-03	Rollin-in-Dough	31 dozen cookies delivered to off site facilities for Holiday City Empl. Appreciation	283.75	
02-07-04	Village Flowers	Jerald Kirsten – funeral standing spray	170.20	
02-21-04	Lodi Flower Shop	Ralph Hitchcock – funeral floral arrangement	98.05	
03-19-04	Carrot Top	#250 U.S. Flags	119.56	
03-23-04	Jo-Ann Fabrics	Ribbon for certificates	6.11	
03-26-04	Lodi Flower Shop	Evelyn Hitchcock – funeral floral arrangement	87.28	
03-31-04	Nelson Photo Supplies	#200 cardboard certificate folders	359.80	
03-31-04	Finance	#35 grape stickers	21.00	
05-01-04	Smart & Final	Candy, tablecloth & skirting for tables at 5/16 Celebration on Central Council Booth	40.50	
05-12-04	S-Mart Foods	Flag decorations for 5/16 Celebration on Central Council Booth	10.75	
			<i>Total Expenditures:</i> (9,608.27)	<i>Ending Bal.</i> \$5,391.73



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of the San Joaquin County Housing Authority's Annual Report

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required.

BACKGROUND INFORMATION: Edward Sido, Interim CEO with the San Joaquin County Housing Authority, will be at the meeting to make a presentation regarding the Authority's Annual Report.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
H. Dixon Flynn, City Manager



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Adopt Resolution Approving Regulations Pertaining to the Candidates' Statements for the November 2, 2004 General Municipal Election

MEETING DATE: June 16, 2004

PREPARED BY: D. Stephen Schwabauer, Interim City Attorney

RECOMMENDED ACTION: That Council Adopt Resolution Approving Regulations Pertaining to the Candidates' Statements for the November 2, 2004 General Municipal Election.

BACKGROUND INFORMATION

- I. Issues:
 - A. Whether using public money to pay for candidates statements violates Government Code Section 85300's prohibition against the use of public money to run for political office?
 - B. May a standing council change existing policy on whether the City pays the charge without a conflict of interest?
- II. Short Answers?
 - A. No
 - B. Yes but the better practice may be to follow the salary Adjustment Procedure of making the change effective for the first election after one of the council members has faced an election.
- III. Analysis:
 - A. Candidates Statements:

GC 85300 provides that "No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office." As you know the Elections code also allows candidates to prepare candidate statements to be included in the sample ballot. Elections Code section 13307 provides that the City may require candidates to pay the cost (in our case about \$1295) in advance but seems to imply that the cost need not be charged to the candidates. Section 13307 reads in part as follows:

(c) The local agency may estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is

APPROVED: _____
H. Dixon Flynn, City Manager

required, the receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the elections official is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the elections official may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the elections official shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election. . . .

(e) Before the nominating period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter. This decision shall not be revoked or modified after the seventh day prior to the opening of the nominating period. A written statement of the regulations with respect to charges for handling, packaging, and mailing shall be provided to each candidate or his or her representative at the time he or she picks up the nomination papers.

Although not binding on a court, the question has been addressed persuasively by the Attorney General in the Thompson Opinion Letter, 2002, 85 Ops. Cal. Atty. Gen. 49. Therein, the Attorney General's Office concluded that "school districts and community college districts may pay for printing, handling, translating, and mailing trustee candidate statements contained in the voter's pamphlet, notwithstanding the language of Government Code Section 85300. The Fair Political Practices Commission reached the same conclusion in the Jex Opinion Letter, 2001 Advice Letter A-00-271.

Accordingly, a City may legally pay the expense.

B. Policy Change by Existing Council.

In general, a council should not make changes that will affect it financially in its current term. For example, a council cannot raise its salary in its current term. (Government Code § 36516.5) The Government Code does however allow a council to change its salary effective the first term in which one council member will have faced an election. (Id.) Following the same analysis above however, one could argue that Elections Code Section 13307 which requires the council to make the determination every election cycle also controls. Nevertheless, if Council is inclined to change existing practice, I do believe the better practice is to follow the same procedure set forth to change a council salary. First, it allows time for potential candidates to adjust their campaign fundraising efforts to achieve what has previously been a City funded expense and second it cures any perception of a conflict of interest. Accordingly, I recommend that if Council makes a change that it make it effective for the first election after November 2004.

A Resolution will be prepared consistent with Council direction following the meeting.

FUNDING: Dependent upon Council action.

Respectfully submitted,

D. Stephen Schwabauer
Interim City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt resolution authorizing the continuation of expenditures from July 1 to 31, 2004, or until adoption of the 2004-05 Financial Plan and Budget

MEETING DATE: June 16, 2004

PREPARED BY: Finance Director

RECOMMENDED ACTION: That the City Council approve the attached Resolution giving the City Manager "continuing resolution authority" to pay both the bills and payrolls of the City through July 31, 2004 or until adoption of a 2004-05 Budget, whichever come first.

BACKGROUND INFORMATION: At this time, it appears that the City Council may not be able to complete budget deliberations and adopt an operating budget for Fiscal Year 2004-05 prior to July 1, 2004. Accordingly, the City Manager will be required to terminate City services and furlough City employees until such time as a budget is approved by the City Council unless otherwise directed and authorized by the City Council under continuing resolution authority.

Continuing resolution authority is authority to continue services and to pay bills and payrolls at a level consistent with the prior year budget. As such, adoption of the continuing resolution authority will allow the City Manager to conduct City business at currently approved levels and to purchase supplies, materials and services consistent with service levels, salaries and operating costs consistent with Fiscal Year 2003-04. As such the continuing resolution authority does not authorize the City Manager to make any of the following changes in services.

- Begin new services or change service levels except those explicitly authorized by the City Council after July 1, 2004.
- Increase or change employee compensation, except by agreement approved prior to July 1, 2004, or explicitly authorized by the City Council after July 1, 2004.
- Hire new employees or reclassify employees after July 1, 2004 except when explicitly authorized by the City Council.
- Establish new contracts or agreements after July 1, 2004 regardless of amount except those contracts and agreements explicitly authorized by the City Council.

FISCAL IMPACT

Will limit expenditures paid by warrant or wire transfer by fund to a level not greater than authorized in 2003-04 Budget.

FUNDING: Not applicable.

James R. Krueger, Finance Director

APPROVED: _____
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE
CITY MANAGER CONTINUING RESOLUTION AUTHORITY TO PAY THE
BILLS AND PAYROLL OF THE CITY OF LODI THROUGH JULY 31, 2004,
OR AT ADOPTION OF THE 2004-05 BUDGET,
WHICHEVER COMES FIRST

=====

WHEREAS, the City Council may not adopt a budget by July 1, 2004 to allow the City Manager to provide city services during Fiscal Year 2004-05; and

WHEREAS, to provide services the City Manager must issue checks for payrolls, supplies, materials, contracts, leases, debt payments and agreements existing prior to July 1, 2004; and

WHEREAS, these services are essential to the protection of life, property, public health, good order and reputation of the City of Lodi; and

WHEREAS, the City Council finds these services should be continued at levels not greater than approved in the 2003-04 Budget; and

WHEREAS, this authority does not authorize new services to begin or change service levels, increase employee compensation except under agreement approved prior to July 1, 2004, hire or reclassify employees after July 1, 2004, and/or establish new agreements or contracts except those explicitly approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the Lodi City Council that the City Manager is hereby authorized to continue services and issue checks under continuing resolution authority to pay for employee salaries and benefits, supplies, materials, contract services, leases, debt obligations, and other existing agreements approved by the City Council prior to July 1, 2004, not to exceed the 2003-04 budget levels.

Dated: June 16, 2004

=====

I hereby certify that Resolution No. 2004-_____ was passed and adopted by the Lodi City Council in a regular meeting held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive the Impact Mitigation Fee Program Annual Report for Fiscal Year 2002/2003

MEETING DATE: June 16, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council receive the Impact Mitigation Fee Program Annual Report for Fiscal Year 2002/2003.

BACKGROUND INFORMATION: The City Council adopted the "Final Report, City of Lodi Development Impact Fee Study," prepared by Nolte and Associates and Angus McDonald Associates in 1991, as well as the "Development Impact Fee Update Study," prepared by Harris & Associates. These actions established and updated the City's Development Impact Fee program. Staff has prepared the following exhibits for:

Exhibit A – A summary of the current and past fees, beginning and ending balances for each fee account, total fees collected, interest earned, and total expenditures from each account for FY 2002/2003.

Exhibit B – A summary by account of public improvement projects on which fees were expended during FY 2002/2003.

Per State Law this information needs to be available to the public at least 15 days prior to review by the City Council. This information will be brought back to the Council for review in July 2004.

FUNDING: None required.

Richard C. Prima, Jr.
Public Works Director

Prepared by Rebecca Areida, Management Analyst

RCP/RA/pmf

Attachments

cc: Wally Sandelin, City Engineer

APPROVED: _____
H. Dixon Flynn, City Manager

	A	B	C	D	E	F	G	H	I	J	K
1	EXHIBIT A										
2	IMPACT MITIGATION FEE PROGRAM										
3	FY 2002/03 Annual Report										
4											
5											
6	Fee:	Wastewater	Water	Storm Drain	Streets-Local	Streets-Regional	Police	Fire	Parks & Rec	General Facilities	Art in PP
7	Fund # :	173	182	326	327	332	1215	1216	1217	1218	1214
8											
9											
10	Fee Amount 7/1/02 - 12/31/02 (1)	\$515	\$4,031	\$11,601	\$4,699	\$3,402	\$1,584	\$1,548	\$19,886	\$6,400	
11	Fee Amount 1/1/03 - 6/30/03 (1)	525	4,105	11,813	4,784	3,465	1,613	1,577	20,249	6,517	2%
12											
13											
14											
15	Beginning Balance	\$203,940.10	\$2,190,391.76	\$998,470.55	\$601,233.94	(\$127,254.85)	\$564,322.67	(\$1,458,331.52)	\$1,026,751.26	\$1,203,123.65	\$37,666.10
16	as of June 30, 2002(2)										
17											
18	Revenues	89,132.59	446,738.77	1,092,359.50	498,728.39	344,250.97	319,132.15	181,653.85	1,044,533.80	645,857.42	95,104.25
19											
20	Interest Earned	9,413.41	20,764.45	39,848.70	20,207.64	14,030.52	18,086.56	5,213.59	43,601.37	30,588.04	4,272.06
21											
22	Sale of City Property	0	0.00	10,794.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
23											
24	Transfers In	<u>301,000.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>217,888.00</u>
25											
26	Revenue Subtotal	399,546.00	467,503.22	1,143,002.20	518,936.03	358,281.49	337,218.71	186,867.44	1,088,135.17	676,445.46	317,264.31
27											
28	Expenditures	807.71	117,583.02	280,782.69	333,457.97	644,134.84	0.00	126,306.23	38,551.81	0.00	7,255.00
29											
30											
31	Transfers Out	<u>0</u>	<u>10,959.76</u>	<u>75,145.60</u>	<u>103,192.07</u>	<u>19,051.04</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,587,347.00</u>	<u>0.00</u>
32											
33	Subtotal All Expenditures	807.71	128,542.78	355,928.29	436,650.04	663,185.88	0.00	126,306.23	38,551.81	1,587,347.00	7,255.00
34											
35											
36	Net Assets/Ending Fund Balances	\$ 643,099.39	\$ 2,529,352.00	\$1,785,544.46	\$683,519.93	(\$442,477.00)	\$901,541.38	(\$1,397,770.00)	\$2,114,886.00	\$292,222.11	\$347,675.41
37											
38	Reimbursable Charges	(40,421.00)									
39	Loan Repayment In/Out		186,867.44			(118,700.00)		(186,867.44)	40,000.00		
40	Long Term Loan					(756,770.00)			(756,770.00)		
41	Restricted Net Assets/Fund Balance	602,678.39	2,716,219.44			(1,317,947.00)		(1,584,637.44)	1,398,116.00		
42											
43											
44	Footnotes:										
45											
46		(1) Fees listed are per acre for one Residential Acre Equivalent (RAE). Each land use									
47		presents a different demand for services that are reflected in RAE adjustment factors.									
48											
49		(2) Taken from 6/30/02 trial balance per Finance									
50											
51											

Cell: D22

Comment: rareida:

Revenues to the IMF Storm Drain fund from the sale of dirt from G-Basin (Debenedetti Park)

Cell: B24

Comment: rareida:

A reimbursement by a developer for the Kettleman Lane Lift Station was deposited into the wastewater fund. This transfer moved the funds into the IMF wastewater fund.

Cell: K24

Comment: rareida:

Transfer of 2% of Police Facility construction contract.

Cell: C31

Comment: rareida:

Transfer funds from IMF water fund to water capital fund (180) for water facilities constructed prior to 1991 with capacity to serve new development

Cell: D31

Comment: rareida:

Operating transfer (storm drain fund cost of services)

Cell: E31

Comment: rareida:

Operating transfer (street fund cost of services, \$75,145.60) &
\$28,046.47-Transfer of funds from IMF local streets fund to street fund (320) for street facilities constructed prior to 1991 with capacity to serve new development

Cell: F31

Comment: rareida:

\$19,051.04-Transfer of funds from IMF regional fund to street fund (320) for street facilities constructed before 1991 with capacity to serve new development.

Cell: J31

Comment: rareida:

\$1,460,147-Transfer funds from IMF general facilities fund to general fund for IMF program monitoring for FY 91/92 through 02/03 &
\$127,200-Environmental Impact Report for Housing Element (\$127,200)

Cell: B38

Comment: rareida:

Reimbursable charges for Harney Lane Lift Station

Cell: C39

Comment: rareida:

Fire Station #4 loan payment from Fire IMF fund (1216)

Cell: F39

Comment: rareida:

\$40,000-Loan payment to Parks & Rec IMF (1217) for Lower Sac project
\$78,700-Principal payment to Council of Governments for Hwy 12/99 project

Cell: H39

Comment: rareida:

Fire Station #4 loan payment to Water IMF (182)

Cell: I39

Comment: rareida:

Loan payment from Regional Streets IMF (332) for Lower Sac project

Cell: F40

Comment: rareida:

Remaining loan due to Parks & Rec IMF (1217) for Lower Sac project

Cell: I40

Comment: rareida:

Remaining loan due from Regional Streets IMF (332) for Lower Sac project

EXHIBIT B
IMPACT MITIGATION FEE PROGRAM
SUMMARY OF PUBLIC IMPROVEMENT PROJECT EXPENDITURES
FY 2002/03

Project No.	Account No.	Description	Wastewater(2) <u>173</u>	Water(2) <u>182</u>	Storm Drain <u>326</u>	Streets-Local <u>327</u>	Streets-Regional <u>332</u>	Police <u>1215</u>	Fire <u>1216</u>	Parks & Rec <u>1217</u>	General Facilities <u>1218</u>	Art in Public Pl <u>1214</u>
MSSI002	173002	Flow Monitoring	808									
MWSO003	182041	Water Utility Planning		2,828								
	182450	Oversize Water Main Crossings		24,400								
	182460	Well 26		47,097								
MWWI003	182465	Subst Test Drill		16,438								
MWWI005	182466	DeBenedetti Well		26,819								
MSDI015	326008	Century Meadows 3, #5			272,506							
MSDI017	326017	G Basin			4,900							
	326032	Westside Master Plan			3,377							
MTSI014	327004	Century Meadows				86,152						
MRRX001	327005	RR Track Removal				3,236						
MTS023	327008	TS-Century/Ham				2,821						
MTSI032	327011	Lockeford St Widening				23,648						
	327013	RR Track Removal-Lodi Ave				36,024						
MTS013	327070	TS-Harney/Stockton				156,177						
MBC003	327072	Mills Ave Roadway				3,821						
MTSI001	327088	Kettleman Gap Closure				21,578						
MTSI006,7,8	332011	LSR Expansion					271,066					
MTSI009-12	332048	LSR - South					211,761					
MTSI001-03	332088	Kettleman Gap Closure					136,444					
	332031	COG Loan Interest					24,864					
	1214001	Art in Public Places										7,255
LDF001	1216139	Fire Station #4 Construction							2,994			
LFD002	102012	Lease-Fire Equip (Transfer)*							123,312			
MPR045	1217797	Eastside Park								38,552		
Total			808	117,583	280,783	333,458	644,135	0	126,306	38,552	0	7,255

Expenditures are as of 6/30/03.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1748 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Article IV, 'Skate Parks,' Relating to Skate Park Regulations"

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1748.

BACKGROUND INFORMATION: Ordinance No. 1748 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 12.12 – Parks – by Adding Article IV, 'Skate Parks,' Relating to Skate Park Regulations" was introduced at the regular City Council meeting of June 2, 2004.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

ORDINANCE NO. 1748

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12 –
PARKS – BY ADDING ARTICLE IV, “SKATE PARKS,”
RELATING TO SKATE PARK REGULATIONS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 “Parks” is hereby amended by adding Article IV, Skate Parks, and shall read as follows:

Article IV. Skate Parks

12.12.300 Skateboarding, Rollerskating prohibited in Certain Areas; Skate Park Regulations

- A. Skateboarding, rollerskating, in-line skating, and similar activities are prohibited in City Parks and recreational facilities unless specifically authorized in areas designed by this Section and as further designated by resolution of the City Council. The City of Lodi designates and maintains as a skate park facility, that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this section.

12.12.310 The following regulations shall apply to the riding of skateboards, in-line skates, or roller skates at, or any other use of, any facility or park owned or operated by the City of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
- (1) Ride, operate, or use a skateboard, roller skates, or in-line skates, unless that person is wearing a helmet designed for skateboarding and/or in-line skating use with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
 - (2) Ride, operate, utilize a skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
 - (3) Be on or use an individual apparatus within the skate park while another person is using it;
 - (4) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;

- (5) Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of skateboarders or skaters;
- (6) Use, operate, or possess any source of amplified music including but not limited to stereo's, boom boxes, and amplifiers.
- (7) Enter the skate park unless actively skateboarding or in-line skating in accordance with these regulations;
- (8) Use, consume, or have within his or her custody or control, food or beverages, within the skate park;
- (9) Use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs within the skate park;
- (10) Enter upon the skate park while under the influence of alcoholic beverages or illegal drugs;
- (11) Use or possess glass containers, bottles, or other breakable glass products within the skate park;
- (12) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators;
- (13) Engage in graffiti, tagging, or other defacing of City property or the properties of others;
- (14) Ride, operate, or utilize any device other than a skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, bicycles, motor vehicles, motorized skateboards, and motorized skates) on the skate park;
- (15) No person shall enter or remain in or upon the skate park premises: 1) while closed, as determined by the Parks and Recreation Department, or 2) between the hours of 9:00 P.M. and 10:00 A.M.

B. The skate park shall be posted with signs at the following locations:

- (1) At the entrance to the skate Park; and
- (2) On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the City. The signs shall not be less than 2 feet by 3 feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

WARNING

SKATEBOARDING AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE §§115800 AND 115800.1.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A SKATEBOARD OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR SKATEBOARD USE AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED SKATE BOARDS AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO PROVIDE AMPLIFIED MUSIC WITHIN THE SKATE PARK. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

12.12.320 Violations

- A. Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this Chapter shall be prosecuted as a misdemeanor for violations of 12.12.310 A (9) and A (15) or an infraction for violations of 12.12.310 A (1) through A (8) and A (10) through A (14) as provided in Section 1.08.010 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its passage and approval.

Approved this 16th day of June, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1748 was introduced at a regular meeting of the City Council of the City of Lodi held June 2, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held June 16, 2004, by the following vote:

AYES: COUNCIL MEMBERS –
NOES; COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1748 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
Interim City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1749 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 10, Chapter 10.44, 'Stopping, Standing, and Parking,' by Adding Section 10.44.170 Related to Disabled Parking Regulations"

MEETING DATE: June 16, 2004

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1749.

BACKGROUND INFORMATION: Ordinance No. 1749 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 10, Chapter 10.44, 'Stopping, Standing, and Parking,' by Adding Section 10.44.170 Related to Disabled Parking Regulations" was introduced at the regular City Council meeting of June 2, 2004.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the Interim City Attorney.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachment

APPROVED: _____
H. Dixon Flynn, City Manager

ORDINANCE NO. 1749

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LODI AMENDING TITLE 10, CHAPTER
10.44, "STOPPING, STANDING AND PARKING," BY
ADDING SECTION 10.44.170 RELATED TO
DISABLED PARKING REGULATIONS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Section 10.44.170 is hereby added to the Lodi Municipal Code to read as follows:

- A. No person shall violate the disabled parking related regulations set forth in Vehicle Code Sections 4461 or 22507.8. Any person cited for violating any provision of Vehicle Code Section 4461 or 22507.8 shall, in addition to any fine imposed by those sections, be assessed an additional penalty of one hundred dollars (\$100.00)
- B. A violation of this section shall be an infraction punishable solely by the imposition of the fine set forth in subsection A of this Section
- C. All revenue generated from the imposition of the penalty set forth in subsection A of this Section shall be used to implement the enforcement provisions of the Vehicle Code relating to disabled parking spaces and placards within the City of Lodi, and may not be used to supplant funds used for other general parking enforcement purposes. (Vehicle Code 4461.3)

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 16th day of June, 2004

LARRY D. HANSEN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

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State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1749 was introduced at a regular meeting of the City Council of the City of Lodi held June 2, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held June 16, 2004, by the following vote:

AYES:	COUNCIL MEMBERS –
NOES;	COUNCIL MEMBERS –
ABSENT:	COUNCIL MEMBERS –
ABSTAIN:	COUNCIL MEMBERS –

I further certify that Ordinance No. 1749 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
Interim City Attorney

Comments by the City Council Members on non-agenda items